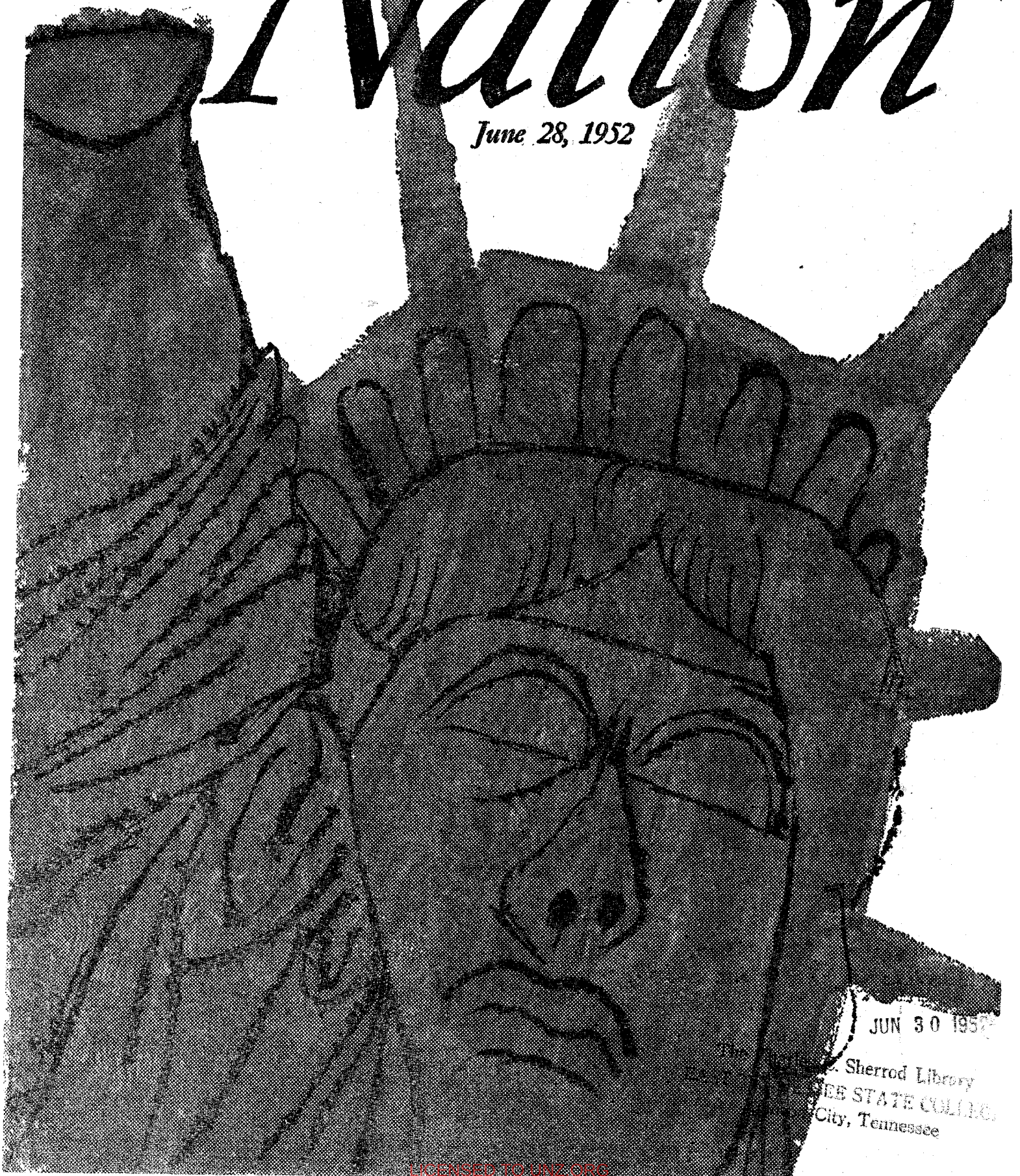
THE Nation

HOW FREE IS FREE?

June 28, 1952



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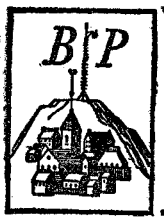

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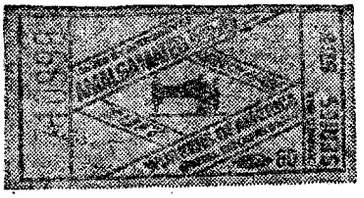

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Equal Rights and Constitutional Freedoms for all people was demanded at our Eighth Constitutional Convention which called for:

A PLAN FOR *Action*

1. The passage of Federal, state and municipal Fair Employment Practices acts.

2. The enactment of a Federal Anti-Lynching Bill.

3. The passage of a Federal Civil Rights Bill to outlaw poll tax and all forms of segregation and discrimination in our national life.

4. Repeal of the Taft-Hartley Law.

5. Repeal of the Smith Act which outlaws America's traditional freedom of thought and expression.

6. Repeal of the McCarran Act under which concentration camps are now being built for political prisoners.

7. Defeat of the McCarran-Walter Omnibus Immigration Bill which imposes extremely rigid retroactive deportation standards on immigrants and aliens and provides to deprive American citizens of citizenship.

8. Defeat the Cox Resolution which would open the way for witch hunts among educational and philanthropic organizations, especially those devoted to improving the status of Negro citizens.

WE ARE TIRED OF PROMISES AND EVASIONS

While the platforms of both major political parties have given lip-service to the need for civil-rights legislation, nothing has been done.

Instead, mob violence, lynchings, witch hunts and intolerance of unpopular opinion have increased, making a bold hypocrisy of our nation's program to spread the graces of democratic freedom to all sections of the world.

The Christmas night assassination of Mr. and Mrs. Harry T. Moore in Mims, Florida; the cold-blooded murder of a manacled Negro prisoner, Samuel Sheppard; the mob riots in Illinois; the lynchings and persecutions elsewhere in the nation have not brought convictions from the law enforcement agencies of government.

On the contrary, the government is engaged in another direction—further suppressing civil liberties.

New to the American scene is the construction of concentration camps for political prisoners, the hounding of aliens who are being denied the right to seek citizenship, and the closing of our doors to leading scientists, writers and teachers from foreign lands.

Kangaroo courts are set up by special committees of Congress, which seek to smear men and women whose political thoughts do not conform to the standards of Senator McCarran and Senator McCarthy.

This election year the people have an opportunity to speak out in defense of their vanishing civil liberties. We believe in the ultimate good sense of the American people who will serve notice on the major political parties that this is no time for double talk on civil liberties.

From here on out, there can be no retreat.

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THE Nation

AMERICA'S LEADING LIBERAL WEEKLY SINCE 1865

VOLUME 174 NEW YORK • SATURDAY • JUNE 28, 1952 NUMBER 26

How Free Is Free?

BY FREDA KIRCHWEY

IT ISN'T often that *The Nation* devotes an entire issue to a single problem. We have done so this time—in a format double the usual size—with an eye both to the overriding importance of the problem and to the critical need for an early solution. For we feel that the drift of the country has been such in the last few years that the question, How Free Is Free? cannot much longer go unanswered lest we lose even the freedom to ask it.

If the reports presented in this special civil-liberties issue have a theme running through them, it is fear. Like the nerve-tickling theme in "The Third Man," fear sets the tone that permeates all the events and conditions described in these pages. The other day Mrs. Roosevelt displayed her unerring sense of the dominant mood of a large part of post-war America—and her healthy response to it—when she said: "I am tired of being afraid." Fear is as uncomfortable to live with as an active infection, and a moment will come—soon, I believe, if general war does not come sooner—when this country, like any other strong organism, must throw it out of its system.

This is not to say that no dangers exist; that fear is wholly irrational. The earth was never a more insecure dwelling place than today, and the fear that rules our lives springs in large part from a feeling of helplessness in the presence of possibilities which seem too awful for ordinary men to grapple with. But the only answer to this can be found in a still greater effort to cling to reason, instead of forsaking reason for panic and the imbecile acts that panic breeds. As Bertrand Russell acidly remarked in his "New Hopes for a Changing World," "A captain who finds his ship in danger of sinking is expected to avoid hysteria, but an American statesman in the same situation is thought to be a fellow-traveler if he remains calm." The dangers that face us collectively are no greater and essentially no different from those facing a soldier in battle; yet a soldier is expected to fight even if his survival seems problematical. It should be equally expected that we meet our collective dangers at least as well: at its worst, the collective fate could be no more final than his.

But if fear is the motif, it is not the source of the trouble. The source is, plainly enough, the world revolution of which fear and the repressions it has generated are mere aspects.

To try to pin the trouble on Stalin is a temptation. For the expanding power of Russia, whether it is a major, imminent military threat or not, menaces a wide range of established values and interests, some inde-

The Path of Fear

The hour is very late, but not so late that we must ask the question whether we would be the weaker if we were to maintain the right of men to differ and to make their differences known without fear. We would be far more likely to have an informed and participating people believing in themselves and in their way of life, drawing into the government the very best, and committed to ends which have always inspired men to fight to the limit of their abilities. Why have we valued our Bill of Rights if it has not been because, as Mr. Justice Brandeis said, we know "that fear breeds repression; that repression breeds hate; and that hate menaces stable government"; because we believe that the loyalty that gives strength is built on passionate belief in goals *worth fighting for.—Laurence Sears,* The American Scholar, *Spring, 1951.*

Men live by their routines; when these are called into question, they lose all power of normal judgment. . . . Discussion becomes a challenge; new ideas seem to be a threat. Men are gripped by fear, and fear, by its nature, is the enemy of thought. So that when men are too fearful to understand, they move to suppress, because they dare not stay to examine. . . . Invited to experiment, they act like children who are terrified of the dark. . . . They will listen to nothing save the echo of their own voices; all else becomes dangerous thoughts.—*Harold Laski.*

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Subscription Prices: Domestic—One year $7; Two years $12; Three years $17. Additional postage per year: Foreign and Canadian $1.

Change of Address: Three weeks' notice is required for change of address, which cannot be made without the old address as well as the new.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Index to Labor Articles, Public Affairs Information Service, Dramatic Index.

fensible and others worth cherishing to the last. But blaming Stalin is really too easy an out. For it excuses policies and behavior which bear no true relationship to the danger and provides an escape from the necessity of facing the broader meaning of the world revolution as a whole.

Bolshevism, in fact, for all its momentous and still spreading consequences, was the by-product of a world war which was itself only an incident of that revolution. It was not even a decisive by-product. Though it spawned smaller rebellions, from Belfast to Budapest, the revolutionary process was checked, not by its own success or by the growth of those new freedoms that Woodrow Wilson had promised the world, but by the decision of the victorious powers in 1919 to defend the Old Order—even in those countries whose aggression had precipitated the war—against the emerging forces of popular revolt. The purpose of the victors was to remake the Western world as nearly as possible in its prewar political image. To accomplish this they not only did their futile best to smash the October revolution, but also vetoed those social and economic changes that might have saved the post-war world from the despair that bred counter-revolution. In Europe the old gang took over, heavily backed by American money. And in Washington Mitchell Palmer took over, and "normalcy"—which were America's version of counter-revolution.

When fascism began to creep across the Continent, the people in charge generally regarded it as a bulwark of the Old Order rather than the further crumbling of that order in a revolution of the right. Or, if they knew what it represented, they accepted it as a preferred form of social upheaval. Even its worst excesses, in Germany and in Spain, even the clear approach of World War II, were looked upon as less dangerous than the risk of a shift toward the left in the balance of political power. ("Better Abetz than Blum.")

Hitler smashed the dream of security through reaction. His war was another incident in the world revolution; this time not even the heads of states could ignore its political meaning. And for a short while, out of the fighting alliance between Russia and the West, out of the passion of the Resistance and the defeat of military fascism, hope of a different sort of "post-war" ruled our thinking. That hope created the United Nations, where it lingers like a hungry ghost. It might still be restored to life if the great Western powers, but especially the United States, were willing, this time, to recognize and accept the nature of the problem they face. But they dispersed and abandoned the magnificent forces of resistance, out of fear of communism; and abolished UNRRA, essentially for the same reason; and today treat with suspicion and distaste the demands of the "backward" peoples for peace and independence and a chance for a decent life. They are following this path toward new disaster because they still prefer any risk to the

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risk involved in a shift of power—even accomplished peaceably.

That the actual spread of Russian dominance in Eastern Europe and Asia encouraged and partly justified this preference is unarguable. But non-Communists who criticize American-Western policy do so because it is, in its deepest sense, an abdication to Moscow, a refusal to accept the imperatives of the world situation and direct national policy, not toward a new attempt to freeze the Old Order, which is now so obviously in dissolution, but toward applying democratic principles to the process of social and political change. The United States, leading the Western world, has abandoned the revolution to Moscow; and while the Russians are exploiting this opportunity with a brutal energy which may defeat the very purposes they proclaim, at least they have the initiative, while we carry the thankless, hopeless job of sweeping back the great tide of change.

In fact, what has happened is that the United States, together with its allies in so far as they can be held in line, is engaged in heading up the new counter-revolution; and revolution, right or left, has its own logic and its own consequences. It requires conformity—as Russia demonstrates—and rejects freedom of thought and speech and action because, obviously, these are the antitheses of conformity. It exaggerates the danger of its enemies, or invents enemies. It cannot tolerate critical, halfway adherents since they may undermine more effectively than outright opponents the dogma on which it relies.

On the other hand it accepts, if sometimes with reluctance, those fanatic supporters—the McCarthys—who may discredit it by their behavior but who must not be offended lest they turn nasty. Those who direct the operation use fear as a weapon, and soon fear becomes a force itself, dominating both the leader and the led, the informer and his victim, the cautious liberal and the cause he quietly abandons. Soon it comes to seem reckless not only to criticize the government's foreign policy but to speak in favor of socialism in Saskatchewan or French reforms in Tunisia—or academic freedom at home. Everything tends to be drawn into a single framework of what constitutes conformity—and the name of this sort of conformity is fascism.

AS THIS discussion has tried to show, the American witch hunt is tied, too closely for comfort, to the course of economic and political developments throughout the world. It would be naive to expect that as long as the cold war grinds on there will be an end to repression, official or otherwise, in America. But even the dialectics of world revolution permit periods of lessened tension and shifts of direction. The process going on today is infinitely complex; trends are mixed, in this country as elsewhere. The course of events itself can change in response to popular or official pressures; new political leaders will emerge and new governments be elected, and policies which themselves were responsible for encouraging the witch hunt may in turn be damaged by its impact—this is demonstrably the case with some of the foreign policies of the Truman Administration.

There is also the natural impulse of opposition which is set in motion by the piling up of cruel and unjust measures; if the rise of a new fascism generates fear, it also creates the will to resist. At some stage, also, infringements of people's rights become so obviously out of line with the supposed dangers they are intended to guard against that even the most docile citizen grows uneasy and ashamed and a natural reaction sets in. When the smear reaches enough well-known persons of high repute—Jessup, Acheson, even Eisenhower—doubt is cast on the whole enterprise; and when the point is reached at which other prominent individuals muster enough courage and concern to fight back, one can assume that abatement is under way.

It would be premature to announce that this has yet begun, though some hopeful omens can be spotted here and there. Among the most important have been the recent statements before Congressional committees of Owen Lattimore, Sidney Buchman, and Lillian Hellman. The successful faculty rebellion against the loyalty oath

Wind and Whirlwind

The unprecedented outburst of terror and terrorism which at the moment is venting itself upon Socialists, Communists, "Reds," and agitators of all sorts in this country grows in volume and intensity from day to day. . . . Every radical thinker or reformer in the United States today who belongs to any organization which the Department of Justice has put under the ban, or who expresses sympathy with the men and women who have been pounced upon, puts his personal liberty in danger if his sympathies be known. . . .

What must happen if this sort of thing goes on, every sober-minded citizens knows. . . . The belief, startlingly confirmed only the other day by no less respectable a body than the Carnegie Foundation, that there is in this country one law for the rich and powerful and another for the poor and weak, will be strengthened; as will the conviction that free speech, free debate, and free publication of opinion, whether for the citizen or the alien, are rights to be enjoyed by such only as say what the Department of Justice and powerful business interests approve. . . . We shall not safeguard liberty by repressing it; we shall not raise American prestige abroad by sending overseas the disillusioned and the unassimilated. The only way to end dangerous discontent in the United States is to remove its causes. Unless that is done, those who today are sowing the wind will before long reap the whirlwind.
—The Nation, *January 17, 1920.*

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at the University of California; the formation of groups at the community level, as in Englewood, Scarsdale, and Berkeley, by citizens determined to fight for their rights; and the campaign to unseat Senator McCarthy, rapidly taking shape at this moment—all these can be set off against ugly signs of revived grass-roots vigilantism, such as the "Sixth Column" committees and various veteran and bundist groups—the boys who picket and burn cars and serve as self-appointed informers.

The elections offer a chance to focus and organize the scattered movements of resistance. From the conventions on through the campaign, people alerted to the need of action can force the civil-liberties issue to the front, demanding that candidates from the Presidential nominees down take a clear stand for the restoration of democratic safeguards and procedures. This special issue of *The Nation* is designed for one primary purpose: to provide an arsenal of facts and ideas for all Americans who are ready to take up this fight. The contributors have been chosen by and large from those occupational groups which have suffered most heavily from repressive measures, statutory and otherwise: science and education, the civil service, the publishing industry, the varied world of entertainment, the legal profession, and the broad field of organized labor. So in essence this issue is a compilation of the reports of specialists. We hope that their findings will be put to good use between now and November, to the end that the question, How Free Is Free? may be resolved in accordance with the traditions of liberal America.

Spies into Heroes

BY ZECHARIAH CHAFEE, JR.

WHAT is constitutional may still be unwise. The reluctance of the Supreme Court to let the Bill of Rights block various activities meant to protect the nation from foreign attack and revolution merely puts constitutional objections out of the way. Other very serious objections to what is actually done under the law still remain and urgently require consideration.

The time has come for the American people to look at what is happening to us because of the numerous and novel types of suppression that are now in operation. Legal issues can desirably be laid aside while we engage in the much more familiar activity of watching men and women. What is being done to human beings in the name of national safety? What kind of human beings are doing it? Do they behave in ways we like or are they departing from American habits of kindness, fairness, and common sense? All this is the sort of thing we need to look at.

While trying to do some such observing, I find that a good many aspects of what is going on now disturb a man who loves the kind of country in which he grew up and fears that it may disappear unless present trends are checked. This is the place to speak of one matter which calls for a good deal of watching and thinking on the part of the regular run of American citizen.

I am disturbed by the growing inclination to turn spies into heroes. One of the earliest lessons learned by children is that tale-bearing is a dirty business. No doubt there are several long-recognized crimes harmful to the community, like counterfeiting, where conviction would often be hard to obtain without stool-pigeons and spies. Here the need for the betrayer's evidence is great enough to outweigh the evils of spies. But when one is considering a novel crime, it is a question whether the game is worth the candle. The use by employers of spies in labor unions shows what can happen. And when it comes to political crimes, historians of the Popish Plot and sedition laws in England during the French Revolution have demonstrated that spies were a black blot on such affairs. Spies sometimes become *agents provocateurs* who incite the very crimes they are hired to report. Hence it is disquieting to read the evidence against the eleven Communists in New York two years ago by at least three spies, working under the direction of the FBI, who joined the Communist Party and served on its recruiting committees. Thus these government employees were actively inducing American citizens to become members of a conspiracy against the United States. A still more pervasive evil of spies is the breakdown of confidence in social and family life. Intercourse is poisoned if one never knows whether his fellow guest at dinner is going to report his casual statements to the secret police. One would suppose we had heard enough of what went on in Germany under the Nazis or what goes on in Russia today to abjure this kind of thing.

The worst spy of all is the renegade. He has already double-crossed the community by engaging in wrongdoing and then double-crossed his associates by deserting them and helping to punish them. After such an experience, truth-telling does not come naturally. The renegade has to make a good story in order to obtain immunity for

---

ZECHARIAH CHAFEE, JR., has been on the faculty of the Harvard Law School since 1916. The present article is based in part on a recent lecture, Thirty-five Years with Freedom of Speech.

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his own admitted misconduct. Hence there is a great temptation to exaggerate or falsify the behavior of his former associates. And since it is often his word against theirs, he has magnificent opportunities for gratifying personal spites.

The latest phase in the current glorification of the political spy is to compare him with Major André or Nathan Hale. There are sharp differences between the military spy and the political spy. In the first place, a man employed by an army to report on troop movements, fortifications, etc., is going to give facts. What he says can be verified. If he misleads those who employ him, his falsehood will soon be detected and he will pay a fearful penalty. The political spy, on the other hand, reports conversations and midnight contacts in dark alleys. There is usually no way to check up on him, and his opportunities for falsification are almost unlimited. Another difference is that the military spy does not have the temptation to lie. He is not accusing persons, but telling about things. The political spy can send human beings to prison or deprive them of a job, and so he may have strong motives to distort his story for personal reasons or to shield himself. The military spy has no chance to poison human relationships.

This is not to say that spies as witnesses against men accused of political crimes will tell nothing in court except lies. Undoubtedly, some of them will try to tell the truth during their whole testimony while others will mix a good deal of truth with falsehoods. But there is a much greater risk of false testimony from spies than from ordinary men. Every witness, no matter how honest, naturally wants to make a good case for his own side. But this desire is affected by several factors. Truthfulness is a requisite of most normal occupations from bookkeeping to the practice of medicine. An ingrained habit of telling the truth is carried on to the witness stand. And the ordinary witness knows that his lack of veracity may be detected when he testifies, as he usually does, about matters which are capable of proof or on which he can be contradicted by disinterested eyewitnesses.

But when spies appear in court, such checks operate in a much weaker way. The very nature of a spy's work requires lying. He has to deceive his associates into thinking him one of themselves. The longer he spies, the greater the tendency for the boundary between truth and falsehood to be blurred. One can never be sure that Dr. Jekyll has not changed into Mr. Hyde. Readers of Conrad's "Secret Agent" and "Under Western Eyes" will have no doubt of this. And the subject matter of a spy's testimony in political cases may not be susceptible of neutral verification. The only other possible eyewitnesses of the transactions he narrates are usually the suspected person he is helping to punish and other members of the alleged conspiracy. It is impossible to let in the light of day upon these dusky happenings.

The trouble is not that you can be sure a spy is lying. The trouble is you cannot be sure he is telling the truth. The risk of false testimony is tremendously increased. Therefore, the fact that it is hard to obtain convictions for political crimes without the use of spies is not an argument for using spies. It is an argument against having political crimes.

The Battle of the Books

BY MATTHEW JOSEPHSON

HERE we are in the early years of the American Century, called to lead the world, as we are assured, and this not only by the persuasive force of napalm bombs or A-bombs but by the power of ideas and the example of our moral beauty as a nation. However, many West Europeans, who are our allies in the cold war against communism, have begun to express doubt that we have the wisdom and self-command to lead the whole world. The metropolitan press of Western Europe has been reporting items touching on our bizarre folkways, under the heading Americana and presented in the style of Mencken's chronicles of the American "booboisie." Our political trials, our inquisitions of Hollywood movie actors, our American Legionnaires attacking schools and libraries, our mass hysteria over internal Communist enemies—all this is duly noted by our European friends and set beside our pretensions to be the saviors of Western civilization. I say nothing of what our ideological opponents in the East, whom we are so eager to liberate, may make of lessons in democracy such as the following (reported by the United Press on February 12, 1952):

> Sapulpa, Okla., Feb. 11 (UP)—Charles Hartman, vice-president of the Sapulpa Board of Education, said today that some books in the Sapulpa School Library had been burned by the school after being criticized by a women's civic group for the way they dealt with socialism and sex.
>
> He stated that only "five or six" books had been de-

MATTHEW JOSEPHSON is the author of many books, including "The Politicos," "The Robber Barons," and a life of Sidney Hillman which will be published later in the year.

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stroyed and they were "volumes of no consequence." He added that he believed one was a history judged to be too approving of socialism and the others fiction which dealt too frankly with sex.

"They just weren't good reading for teen-age children," Mr. Hartman declared.

That "it" has happened here, in an Oklahoma town of 13,000 inhabitants, and in several other small towns as well, should not surprise us. For years we have been told that we are in a state of crisis, though we are not officially at war. Some of our most prominent "Americanist" shepherds, in Congress and in the press, have been rousing up their flocks. A strange "battle of the books" has been going on for about five years, since the early stages of our political conflict with Russia. Of late it has reached an intensity that has frightened reasonable Americans who were disposed not to take alarm unduly at the occasional excesses of our small-town vigilantes.

SOBER reports of the American Library Association *Bulletin* indicate that there have been "hundreds" of incidents throughout the United States in which self-constituted guardians of the public safety have taken action to remove, censor, suppress, or destroy teaching material or books deemed by them "subversive" or "un-American." The curious thing is that these groups are made up of people who have never been interested in literature, or pedagogy, or scholarship, or science. Yet they come armed with fixed notions of loyalty or "Americanism" to which all other groups in the community, our learned professions and institutions, our publishers and writers, are asked to conform. Thanks to their petitions, new investigative committees are being set up in Congress, one of them vested by the recently enacted Gathings resolution with extremely broad and vague powers to make inquiry into radio and television productions, comic strips, pocket books, and other media of public communication, for "immoral" content or expressions "otherwise offensive."

"The book trade today is up against a new development, the threat of censorship on political grounds," according to a statement made by Donald Klopfer for the Book Publishers' Council a year ago. False information about books now widely circulated, he added, might lead to political censorship on the ground of national security.

A nation-wide study of the censorship movement made by Benjamin Fine, the education editor of the New York *Times*, was a front-page story in that newspaper on May 25, 1952. The country's leading educators, Fine wrote, are filled with anxiety at the widespread and concerted character of the attacks directed in recent months at schoolbooks and other reading material. "Self-appointed committees" are being organized in many different areas to "screen" books used by colleges and lower schools and free libraries, in order to halt the circulation of books by authors suspected of "subversive" ideas. Books long in use, it was reported, are suddenly being denounced by groups "not accountable to any legal body." Librarians are being intimidated. "A book-burning such as took place in Sapulpa, Oklahoma, does not often occur, but the end result is just as serious when books . . . are removed from school or library shelves."

Throughout the country organized groups are assuming the initiative and leading the local patriots into action against the alleged purveyors of "dangerous thoughts." The names of their organizations may be new or old, they may be Catholic or Protestant or Jewish, but their procedure is the same. The affair may begin, as at Worcester or Grand Rapids, by the publication of an anonymous letter in the local paper assailing the high-school superintendent or town librarian for harboring "subversive" books. The object is to ban not only works that seem to advocate social change but in many cases writings that are simply critical of our business morals, like James Rorty's "Our Master's Voice: Advertising," or Laura Z. Hobson's "Gentleman's Agreement," a novel about anti-Semitism. Or even, as in Peoria, Illinois, works which urge support of the United Nations.

At Bartlesville, Oklahoma, a group known as Pro-America levels its guns on the town librarian for keeping copies of *The Nation* and the *New Republic* on file. The librarian is promptly fired by the mayor, and so are the library trustees, for having tried to defend her. In Cleveland, the Mothers of World War II, assembled in convention, vote to investigate libraries, bookstores, schools, and newspapers in order to "purge them of all subversive material." In Peoria, as in many other towns, the local American Legion post goes into action to the same end. In suburban Scarsdale, New York, there is only a Committee of Ten that fights to stop the town from reading Mr. Louis Untermeyer's anthologies of modern American and British poetry. In Burbank, California, the library trustees themselves vote to *label* all books by placing stickers in the volumes of authors who belong to organizations on the Attorney General's subversive list or "similar lists."

Amid the excitement of the "battle of books" that gripped Burbank last autumn one notes that a team of public-relations men from nearby Los Angeles quietly offered to "check" on the authors of all books in the Burbank public library for the modest fee of $200. Their earnest intention was to extend this pioneering business to all the cities of California, while promoting the sales of *Alert*, a newsletter resembling *Counter-attack*, and offering "facts to combat communism" to a select list for $25 a year. These investigative and censorial procedures were eventually blocked in Burbank as in other California towns by the responsible munici-

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pal authorities, thanks to the vigorous action of California members of the American Library Association.

Nevertheless, a new Citizens' Committee appeared in Los Angeles last May and was reported as calling for seventy-five volunteers to examine books used in the Los Angeles County high schools. Alas, only twelve citizens answered the call, and these were described by the newspapers as "elderly persons," all but three of them old ladies. They were much photographed by the press as they donned their spectacles and made ready to peruse some 600,000 volumes, including the spacious works of Hegel, Marx, Nietzsche, John Dewey, and Bertrand Russell. No reflection is intended against the old-age group in our population. On the contrary it is not our youth but the older folks, with their remembrance of times of full intellectual freedom, who have been putting up the stoutest resistance to the groups of frightened patriots and the professional bigots or "full-time complainers" who lead them. Meanwhile the climate of opinion, as reflected in these reports from the field, has thrown our authors and book publishers, as well as our theater and film producers, into a deep funk.

HOW does the hysteria in 1919, after World War I, compare with that of today? I remember how the returned war veterans, the fervent patriots, and the eager vigilantes joined in a hunt for "criminal syndicalists" who were credited with having perpetrated a series of bomb explosions. The FBI carried out a dragnet operation among masses of foreign-born residents. Two Italian anarchists, Sacco and Vanzetti, were picked up. Then as appetite for such business mounted, headquarters of many labor unions, both A. F. of L. and I. W. W.—for there were no Communists to speak of then—were raided by "volunteers" and not a few lynching parties took place in the provinces. Socialist leaders and pacifists were thrown into jail. Yet all this *furor Americanus* seems ill organized, spontaneous, and full of hearty animal spirits compared with the present movement. The people who were saving the republic then were not interested in ideas, books, or even journals of opinion.

Today's breed of super-patriots is a good deal better organized, less given to physical violence, and pretends to be *literate*. These people do not beat up women marching in labor-union parades, as in 1919. Instead, they go trooping into little Carnegie libraries or bookshops or high schools to spy out "Red-slanted books" and administer the anti-Communist "treatment." They know Karl Marx well and the "infiltration" methods of his votaries. Even our red-blooded American Legion has become ideological in its way. Why You Buy Books That Sell Communism is the title of a leading article by Irene Corbally Kuhn in the *American Legion Magazine* for January, 1951. Here sensational charges were made that "Commie-minded" bookshop clerks, editors, and newspaper book-reviewers "manipulate the book business to promote works written by their soul-mates and kill off opposition books." The author, as if citing a typical incident, pictured a patriotic book-buyer inquiring in vain for some anti-Communist work which is always reported to be out of stock. But when, cunningly, he used the trick of calling for a volume by Owen Lattimore, the salesclerk "fell over herself in her eagerness to haul out a fresh copy." Thus a stereotype of "Red-slanted bookstores" at every street corner was offered to the 3,000,000 readers of the *American Legion Magazine* and was reproduced in syndicated newspaper columns. Our leading newspapers, such as the New York *Times* and *Herald Tribune,* were accused in this article of employing chiefly "fellow-travelers" to write book reviews for their Sunday supplements and steer the innocent customers toward the party line. The most respectable newspapers, book publishers, and textbook houses were attacked in the same article for promoting or circulating books that favored "collectivism," while discouraging the literary productions of writers who had given their hearts to private enterprise. After Miss Kuhn's article had been hawked around the country, hundreds of persons, in a well-organized demonstration, telephoned or wrote letters to complain of the alleged "subversive" doctrines promulgated by those prudent, loyal, profit-seeking men who run the *Times* and the Macmillan Company.

The textbook trade is a large and lucrative business compared with that of publishers dealing in novels and general books. The principal textbook publishers have long cooperated closely with local politicians who in their different states run education commissions or school boards; indeed, no section of the publishing field is more practical than this. Textbook authors, in order to survive, have become the timidest of all writers, diluting their product so that the most bigoted reader need find

> I can think of only one way in which the Kremlin may still conquer us, and that without war. It is by so frightening us (but it is we who allow ourselves to be frightened) that for fear of the enemy within we transform our own society imperceptibly into an apparatus of totalitarianism indistinguishable from the society of Soviet Russia—a system which may not be criticized, whether the British parliamentary system or the American way of life, for fear of damaging national unity, the unity of the grave; a system in which the bully and the corrupt may not be denounced or the underdog uplifted because nobody will dare risk being called a Red.—*Edward Crankshaw, "Cracks in the Kremlin Wall" (The Viking Press).*

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nothing to offend him. New editions of well-known textbooks have been constantly revised in the direction of extreme political neutrality and dulness. One can scarcely imagine any American boy or girl being impressed or persuaded by anything found in such texts. Yet as has been observed by Father James Keller of The Christophers, who has written pamphlets of vocational guidance urging young people to follow callings in which they might fight against "godless" doctrines, the school, and particularly the library, must be regarded as the "arsenal of ideas" to be kept under the control of right-thinking persons.

Another who has worked hard to alter our cultural climate is Lucille Cardin Crain, editor of the *Educational Reviewer,* a quarterly journal which urges the suppression of schoolbooks guilty of advocating change, or even simply of recording such change as has taken place in the past (under the New Deal). Miss Crain has been called an educational bigot by school authorities, and the new body that liberally finances her activities, the Conference of Small Business Organizations, has been styled by the House of Representatives' select committee on lobbying as a "pressure group" given to devious methods in order to secure—paradoxically enough—"big-business support" for its projects. In this same orbit we find also the familiar, undemocratic figures of Merwin K. Hart, of the National Economic Council, Allen Zoll, now running something called the National Council for American Education, and Zoll's old friend, Upton Close. It is they who suddenly profess acute alarm over a textbook like the late Frank Magruder's "American Government," used for a generation by millions of high-school students.

THE agitation at the school and library level has surely helped to depress the whole field of education and letters in America. Gradually the pattern underlying these seemingly spontaneous or sporadic incidents is becoming distinct. At least ten Front Organizations are trying to direct the course of our school system and our universities toward their own standards of "loyalty." This statement is based on surveys made by the National Education Association and by a special committee of the American Library Association. The attention of these Front Organizations is being extended more and more to the field of textbooks and literature, as well as of education. They claim that they seek only to defend the republic, but several of them distribute propaganda attacking the United Nations and movements for world peace and the reduction of armament.

A recent survey of these "professional bigots" prepared by the Anti-Defamation League—"The Trouble-Makers," by Israel Epstein and Arnold Forster, published last month by Doubleday—shows that they "work together through the exchange of 'sucker' lists and, by exploiting common propaganda, have established a nation-wide network." Their financial contributors, it is reported, are usually wealthy, middle-aged women of the type who regularly supported Zoll's so-called patriotic projects during the 1930's. "The outstanding common denominator of these professional propagandists is that *they make money from their efforts.*" Seven such organizations reported that their combined income recently exceeded $1,000,000 annually.

WHY is there such intense activity in peddling the propaganda of prejudice, fear and hate? Nothing comparable was experienced during World War II when the country was in actual danger from the Nazis and the Japanese. During the period of our police action for the U. N. in Korea, federal and state loyalty boards, Congressional committees aiming at thought-control, and our big Drummer Boy Joe in the Senate have created a veritable panic over the alleged internal danger offered by a few Communists—a panic that has particularly affected our less sophisticated citizenry. (It is possible that the augmented power of suggestion or hypnosis now exercised by radio and television has not been fully estimated.) High-level officers of the Chamber of Commerce, the N. A. M., and the American Legion regularly deny that they favor movements for the censorship of opinion or the restriction of our civil liberties. Nevertheless, the editors of the *American Legion Magazine,* with a circulation of nearly 3,000,000, proceed much as they please.

Since 1946 the United States Chamber of Commerce, from Washington, has issued a series of widely distributed pamphlets on the subject of Communist Infiltration, one such pamphlet, entitled A Program for Community Anti-Communist Action, published in 1948 and reprinted since, has reached a circulation of 683,000. Its prescriptions, as careful students of the so-called "Americanist" movement have noticed, have been followed faithfully in widely separated communities throughout the country. Here are a few:

1. Subscribe to a good newsletter or magazine specializing in Communist exposure.
2. Read one or more books on communism each month.
3. See that books and periodicals exposing communism are in school and public libraries.
4. Ask newspapers, magazines, and radio stations to carry useful material on communism. Praise them when they do so.
5. Be sure that your local bookstore features good books exposing communism.

The public is further exhorted to support "patriotic ex-Communists who cooperate with the FBI"; to protest against public officials who display "softness" toward radicals and demand of them "a more patriotic

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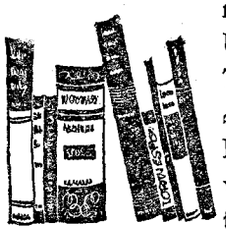
attitude." The new patriots are warned to be on guard chiefly against *liberals,* who speak too much for civil liberties.

The enemies of free opinion, it would appear, proceed to the attack in four columns. One besieges the schools and their textbooks; a second assails the consumers of reading matter in libraries and bookstores; a third denounces authors by means of anonymous letters and "smear" articles in publications that welcome such material; a fourth has begun a drive against the publishers. There is a "fifth column" too, as we shall see.

THE "smearing" of book publishers began in earnest with the January, 1951, issue of the *American Legion Magazine.* Angus Cameron, for many years vice-president and editor-in-chief of Little, Brown of Boston, was singled out for "treatment" because he had continued to publish Howard Fast and had taken an active part in the Progressive Party's Presidential campaign for Henry Wallace in 1948. Last year there were rumors that the book-publishing trade, like motion pictures and radio, would be investigated by the Un-American Activities Committee. Then, on August 31, 1951, *Counterattack* devoted an entire issue to Little, Brown and Angus Cameron—who, according to *Time,* has sometimes been called "the foremost United States book editor." It was charged that thirty-one authors on the Little, Brown list were either avowed or secret Communists. As "evidence" of guilt the fact was cited that some of their books, like James Aldridge's "The Diplomat," had won favorable notices from a Communist Party official in the *Daily Worker.* A number of the authors and books mentioned as "objectionable" had only the slightest connection with Little, Brown; some were not even handled by it.



The directors of Little, Brown seem to have been thrown into confusion by the attentions of *Counterattack.* After two weeks the firm replied by issuing a printed statement that refuted many of the allegations made against it. Moreover, the great preponderance of its publications, it was explained, were those of popular-fiction writers like J. P. Marquand and Mazo de la Roche, the works held "objectionable" by *Counterattack* being estimated at only 4 per cent of its book volume. At the same time, though Little, Brown's management said nothing, it became known that Cameron had resigned, upon request, of course.

Other publishers were greatly incensed at Little, Brown's dropping of Cameron the moment the firm came under attack. Shortly after this incident, which received a good deal of attention in the press, a meeting of representatives of thirteen New York publishers was called by Douglas Black, head of Doubleday and president of the American Book Publishers' Council. Black's aim was to persuade the other publishers to close their ranks and reach agreement on the position they would take in case of further attacks by professional propagandists or by Congress. Instead of panicking like the film producers and the radio broadcasting companies, the publishers had hitherto maintained a dignified reserve during the furor over "subversive" literature. The tradition of a free book press was strong in most of the publishers. A member of the group was assigned to compose a "Book Publishers' Bill of Rights," to be displayed in all bookshops. A similar directive, based on the civil-rights clauses in the Constitution, had been issued several years before by the American Library Association to its thousands of members and displayed by them on their bulletin boards throughout the country, with good effect on the bigots. Here it was affirmed, as the policy of the A. L. A., that "in no case should any books be excluded because of the race or nationality, or the political or religious views, of the writer"; nor should sound reading matter be "proscribed or removed from library shelves because of partisan or doctrinal disapproval"; or through the coercive action of "volunteer arbiters of morals or political opinion."

The publishers were also going to stand together for the "free access to ideas and full freedom of expression that are the tradition and heritage of Americans." For the group of publishers a subcommittee on censorship, headed by Donald Klopfer, began to gather data on false propaganda about the book trade and on current attempts to suppress or "label" books.

SINCE the autumn of 1951, however, a succession of unpleasant episodes have markedly lowered the morale of the publishers and disposed them to bow to what they call the "climate of opinion." The organized "smearing" of Max Lowenthal, author of a book on the FBI, and of his publisher, William Sloane Associates, as "pro-Communist," in newspaper columns and over the air, is one of the worst of these incidents. The attempt—eventually frustrated—to remove the books of Mark Van Doren from the library of a New Jersey state junior college was another such affair. This was provoked by a man who had never read them and was unaware that they were entirely unpolitical. The slandering of many of our leading writers in Congress by Representative George Dondero, of Michigan, also makes it possible for false, inaccurate, or exaggerated statements to be quoted from the public records with immunity.

Publishers, who are for the most part small business men, have no more courage than others to face constant slander or misrepresentation. Thus the "Book Publishers' Bill of Rights" has been put away in a drawer. No powerful effort at publicity—which the publishers

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know a good deal about—has been made to counteract the "Americanist" propaganda. With a few noteworthy exceptions the publishers have adopted a policy of silence, to avert further attacks which may result in their being cut down one by one, as the more far-sighted have warned.

"We are doing things we never dreamed of five years ago, or that we thought could happen only in Mussolini's Italy," a publisher said to me recently. One well-known firm, after contracting to publish a manuscript by a "controversial personality" and announcing it in its spring, 1952, catalog, turned chicken-hearted and wriggled out of its agreement because it suddenly realized that the distribution of such a book would invite attacks. Most publishers are turning to innocuous, non-committal, or "right-thinking" books which, they hope, will entertain the public and offend no one. Editors do not admit that they reject manuscripts because they might be branded "un-American" or stir up controversy, but only that such books might not sell or "would not appeal to women readers."

OUR book press is one of the last outposts of free inquiry and opinion. Newspapers, radio-television, and slick-paper magazines are all affected by the advertisers and it is becoming increasingly difficult for intelligent readers to find disinterested information in the press or on the air. Our very business interests would seem to require the publication of books on foreign affairs that do not mislead us about what a fine job Chiang Kai-shek or Syngman Rhee is doing. The suppression or silencing of men like Edgar Snow and Owen Lattimore, for example, who know a great deal about the Far East, leaves us in danger of flying blind. Less and less of a hearing is given to our "loyal opposition." Should a change in foreign policy become necessary, we may find that we lack the knowledge needed to prepare us for it.

In Nazi Germany a people who were among the best read in the world were reduced to reading only what Goebbels believed was good for them. Will American publishers and their authors also wait patiently until everyone is "coordinated," that is, made to think the same thoughts and read the same few books? What, then, will become, even materially, of our once flourishing book-publishing enterprises? For our poor bigots are merely literate—"mechanized peasants," in a sense—reading few books and buying fewer. The solid core of our reading public, a tiny proportion of the population compared with Denmark or England, is composed of liberals. The success of Paul Blanshard's "American Freedom and Catholic Power" (190,000 copies sold) despite its rejection by a score of publishers, and that of Thomas Sugrue's "A Catholic Speaks His Mind," strongly support such a view.

During a recent stay in Italy I heard Alberto Moravia make some illuminating observations about the state of literature under the Fascist regime. He was then a fledgling writer, but one of his first books was suppressed by order of Mussolini. The Italian authors, Moravia said, were all trying to write "little still lifes" which would avoid offending the regime: trivia about domestic life and love or tales of the past that shunned social questions. Literature, and publishing as well, stagnated until the Allies arrived in 1943-44.

WE MUST conclude that our writers, and their official organization, the Authors League of America, have been as meek and inoffensive during this crisis, of censorship as their publishers, who, after all, are men of trade. One would have thought that some of our writers who had attained great fame and age might have considered themselves, like Zola, "expendable" in the true interests of civilization. Yet I can think of few who have lifted their voices effectively against the self-appointed thought police. Up to date the Authors League, as the official writers' organization, has not made an issue of freedom of thought versus censorship, or strongly pleaded its own cause before the public.

Whatever resistance there has been has developed among the 400,000 school principals and teachers of the N. E. A. and, particularly, the members of the American Library Association. Much credit is due to the national directors of both organizations, who have steadfastly applied their influence wherever danger has threatened. For the A. L. A. courageous leadership has been furnished by David K. Berninghausen, librarian of Cooper Union, who up to 1951 was secretary of the A. L. A.'s Committee for Cultural Freedom. By his reports in the A. L. A. *Bulletin* on the professional bigots, by his patience and vigilance in rallying A. L. A. members and their friends to defensive action at the various focal points of trouble, Dr. Berninghausen (together with his A. L. A. associates) has demonstrated that our modern Know-Nothings can be held in check—as has happened lately in California, New York, New Jersey, Ohio, and elsewhere.

A questionnaire issued in 1951 by the A. L. A to librarians in twenty-four states asked for their opinion of proposals to label books on political grounds and segregate some of them in "subversive" rooms or reserved bookshelves. But were these not precisely the methods of Stalin, several librarians asked? The answers were more than five to one against such action.

One wrote: "I'm an adult. Sound mind. Good education. Who the hell has the right to tell me what to read or warn me what not to read?"

And another commented: "How soon after we start labeling books will we begin to burn them?"

They have begun.

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Behind the Asbestos Curtain

BY GILBERT W. GABRIEL

NEVER meddle with actors." So pleaded one Cervantes Saavedra, four hundred years ago. As a hack playwright who had had a pretty bastard by a loving player, he might have been accused of special pleading and some slight bias. But, no, he was out to state a rule for the general public, and to stand up proudly for the stage. "Actors are a privileged class . . . merry people," he said, "who give pleasure, and whom everyone favors and protects."

Up to now, the American theater has enjoyed just this sort of fond, fairly easy existence. Its practitioners have been less troubled by sponsors' prejudices and mob pressures than those in practically any other branch of the entertainment world. Its produce has been listened to with that smiling leniency—and that half an ear, often—which mark it as bright but readily forgivable stuff from the mouths of babes. We've had no royal prohibition snapping back at an impertinent Beaumarchais. Our stage folk, in or out of grease paint, have never been much else than Cervantes' merry people, unminded and—unless they took to killing Lincolns—habitually exempt.

That's how it was. Of such old flats and cut-outs was the scenery of this fools' paradise assembled until today. Until today, too, it still looked good and handsome from out front, still giving off the grateful shine of that privilege to say, sing, dance, act, produce whatsoever piece, hire whatsover talent, the theater itself desired. All over the country, from Broadway to the remotest summer barn, our living theater was going to go on proving itself one of the least troubled refuges of our right to the free expression of fun, stir, sympathy, ideas, the truth.

It looked good, yes, and sounded all the better in contrast to those strange new codes in the rest of the cousinly trades around. The movies might have to beat their celluloid breasts and mumble a billion-dollar *mea culpa,* but nobody could involve the theater in such nonsense. Video might vie with the universities at extracting loyalty oaths and firing employees in crocodilic sorrow, but the theater was honestly too busy to be bothered. Ex-editors could give their all—and their ex-comrades' all, of course—in suddenly glorious, solidly profitable serials which the book clubs would canonize, but the stage would never be stampeded by their breed. Disgruntled academic painters could cue an obliging Congressman to explode into official ranting against all modern painting trends as traitorous, subversive, Communist per se, and a phalanx of one society of sculptors accuse the Metropolitan Museum of deliberately harboring maleficent left-wing bronzes, but the theater was too wide, too wise, ever to let itself be dragged into such an antic zone of dervish exhibitionism. Well, so we thought, and so were reassured.

GRANTED, we had been getting some gossip-column warnings to the contrary. We were already hearing it on the wind, how the "Red Channels" outfit, having paled the complexions of Hollywood and Radio City, would proceed to catch and skin all the tawnier showcats of the Times Square district. We were encountering certain theatrical celebrities loath to tell, but who nevertheless told with bated breath, about other theatrical celebrities being summoned mysteriously to appear in Washington. We'd had rumors, first or second hand, of acrimonious politico-patriotic powwows inside the sundry professional guilds, equities, and unions. These were bad things to hear. They made us want to believe in the theater all the more.

Our faith wasn't shaken even when, last winter, the ladies' advisory council of a benevolent producing organization—we shan't identify it further for it has a large heart and an ability to bring whole series of plays, well done and at nearly nominal prices, to several scattered neighborhoods of New York—resolved that hereafter no works shall be allowed upon its list which are composed by known or suspected—mind you, suspected—Communists. The ladies backed up their resolution with three examples of the playwrights they were banishing. One of this poor trio has been turning out a frantic yearful of articles, plus an entirely denunciatory full-length novel, to prove how much he hates Communists. One is deservedly famous for beautiful but weepy studies of female psychopaths and probably never had a political notion of palest hue. The third has since repented publicly a short party membership, and so will undoubtedly be readily returnable to the collective bosom of these ladies.

Let's stop grinning about this: the theater is still a happy-go-lucky institution, happier of purpose and luckier in its several latitudes of make-believe than most,

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but if we don't watch out it will not be so for long. Let's be blunt: the threat to freedom in the theater is only just beginning, but it has begun. It has already reached that borderland of the ridiculous where, during a recent tryout of the revival of a play as sentimental and gaily old-Czarist as "Tovarich" in the national capital, Legionnaires felt it an affront to our native land's honor and flung up a picket line.

This picketing of plays is fairly new. So far it is also fairly intermittent and none too effective. When the Theater Guild produced John Wexley's annal of the Scottsboro Case, "They Shall Not Die," back in 1933-34, nobody organized any militant cordons to save innocent audiences from its heat. But when the same piece was revived a couple of years ago by a smaller producing unit which—sin of sins—wanted to remind its listeners that some parallel doubts were permissible in modern Trenton, it had a rough sidewalk treatment throughout its engagement. To its credit, it continued to run. Only small companies can.

FOR around the theater picketing is a peculiarly dire threat. A book will often outlast its noisiest critic. A magazine has subsequent issues in which to justify itself anew. An offending radio program is not necessarily a lasting loss. But plays are much bigger risks, much more perishable, grimly mortal. It costs major efforts and round fortunes to bring productions to Broadway nowadays. Failing, they seldom win second trials anywhere, even amateurs mistrusting them, and must be whiskbroomed off with a sickening finality and speed. Axiomatic, but there's the theater's weak point—its total dependence on a usually passive, easy-come, easier-going audience. Regrettable, but there's the reason for the theater's increasing jitters—that ghostliest chance of any play's surviving the two or three successive empty houses which low-jinks measures like picketing and boycotting can all too immediately bring about.

There were a couple of plays last season which had to recognize this bull by the shadow of its horns. Long before their first nights, shenanigans commenced. Their bewildered New York producers were being pestered by New Jersey phone-calls, anonymous advices to quit, abandon work and all contracts, finances, and hopes forthwith. Some of their actors were thumbed from the rehearsal wings to hear similar abuse. The author of one of those plays—his was merely an adaptation of a classic—had a dream of doing something defensive in advance. He spoke of declarations all prepared and paid for to the billboard firms and newspapers. He conceived a battle plan of counter-picket lines drawn up in reserve and of a protest meeting which might beat any hoodlums to the punch. His dream, speech, plan got nowhere. Fellow playwrights of more experience and weightier reputation quickly turned them down. They smacked of press-agentry, some murmured; worse still, others implied, of totalitarian domineering. In our democratic play-world, it was pointed out, the picketing of productions is all right, whereas counter-picketing reeks of the Left. That menace, in short, remains. Play picketing is in. Some of us fear it may be in for bigger use and sheer abuse next season.

THE American theater has been passing, not without growing pains, through twenty years of propaganda plays. This period seems to have begun with a near-masterpiece of romantic invective, John Howard Lawson's "Processional." It included things as exciting as the journalistic "One Third of a Nation," several of the Group Theater's better choices, and, at this end of the trend, Arthur Miller's magnificently protestant tragedies. Seven times out of ten, the rest were pretty poor plays, although that ratio can also be applied to other brands of plays with equal justice. The propaganda sort gradually built up a public, a minority public but an intense one, given to such fierce hurrahing for any of its first nights, good, bad, or plain dull, as almost to suggest an opera claque or the gallery at that historic Victor Hugo opening. But, anyway, this period is already on the wane. Thanks to frightened managements and reluctant audiences-at-large, it looks pitifully close to being past, leaving behind it little except a compunction to scent ulterior purpose and tainted politics in every light-headed young farce we go to see.

Sorry, we are not exaggerating. Not when an anemic but well-meant piece like "The Legend of Sarah," which is much ado about the double-bedded memoirs of a brave mistress of the Revolution—ours, ours in 1776, please!—and is just corn-fed fun throughout, gets the pummeling it lately got in Pasadena. Not when Garson Kanin's hilarious hit "Born Yesterday," which deals with a junkman's graft on a world-war scale, gets the shilly-shallying treatment it got in some typical hinterland repertory. Not when our own Manhattan drama departments' mailbags are suddenly brimming with wild remonstrances against the revival of "The Male Animal," the Messrs. Thurber and Nugent's strictly hundred-percent American salute to an ordinary college professor's rudimentary courage. Not when Ibsen is gravely indicted in one daily reviewer's court of higher learning as a dangerous source of Red influence.

That did befall. A new version of Ibsen's "An Enemy of the People" was produced the winter before last. It was a version much needed. It had a burly force to it, a colloquial tang, which made it a change from—if not a complete improvement on—the scholarly gentility of previous translations, and so it was much welcomed. Favorable notices prevailed. Within a week, however, the tabloid editorials were scenting something wickedly subversive in such an association of brazen

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ideas with such bold talents—both the adaptor and the stars having lately had some *Counterattack* trouble—and a critic who had written one of those favorable notices was backtracking and admonishing all his readers not to be caught in another Commie trap. That chap Ibsen had gone bad.

Don't hold it against us drama critics as a whole. Most of us do fight on the sane side. Our circle has, at the very least, a liberal circumference, and we've done out decentest to deplore this rabid mess. We should naturally prefer to sit down to live plays than to dead ducks, no matter by whom or what about, but our plurality has social as well as aesthetic consciences, and the stage we still want is a free-speaking, adult-thinking stage. Richard Watts of the *Post* will not hesitate, therefore, to chide his favorite aisle-seat neighbor when he finds him ivory-towering at the above-mentioned "The Male Animal." Brooks Atkinson of the *Times,* in his sage Sunday corner, points out the clear and present validity of that same play by citing last autumn's actual gag-rule on the Ohio State campus. He likewise gives "Born Yesterday" a clean bill of realism by recalling how, only this spring, two junkmen were put up for influence-peddling in Washington. "Life catches up with the theater now and then," he concludes, displaying a characteristic affection for life on both banks of the footlights. But how long—here's the glum question—can a thin file of rueful critics stave off a rush of fools?

ITS PROVED popularity remains a play's best self-defense. In New York, where "Death of a Salesman" originated and ran for a gratifyingly long time, there may have been some moron-fringe mutterings against its emotional impact and message, but nobody dared any open interference. It was too well liked, well respected, for that. Red Channels & Co. would have to wait until it took to the road before advocating that.

The road of the middle-sized cities is a comparative cinch for idiocies and alarums. The Midwest road is known among amusement folk as the Ambush League. Peoria, Illinois, is part and paragon thereof. Peoria was having itself a rousing Anti-Subversive Week, where the principal speaker before its heterogeny of veterans' associations, business-men's lunch clubs, and fraternal orders was an on-the-spot representative of "Red Channels." That gent was no mean opportunist. Spotting a placard which announced that "Death of a Salesman" was soon to arrive, he proceeded to demonstrate his inside dope. The author, the producer, the principal actor of this troupe, he proclaimed, all belonged to Red-front organizations and had been contributing stated portions of their earnings from the play to the Cause. Patently, anybody who'd buy a ticket to that play would be helping to support the Communists. Obviously, boycott it, everybody; and so, then and there, vote to boycott it everybody did. The Peoria papers made front-page features of the yarn, the gent's accusations—without troubling to investigate them—the glowing speech, the sweeping vote, the editorial amens, all. It was one of the most sterling smears in years of semi-yokel print. Four days later, of course, those papers had the horse sense to publish—as their attorneys may have advised them, even if without the grace of a single regret—the explicit denials which the author, the producer, the principal actor, had wired back. But what about the boycott, who'd stop that? What about that poor, lost-in-the-shuffle issue of a mighty good play it would have done the people of Peoria much good to see? The Authors League sent an optimistic but apparently unpersuasive telegram to the mayor of the city, detailing how many prizes the work had won and urging him to keep his citizens from being altogether silly. A national picture magazine talked of sending out a photographer, in case they still were. But there's only this left to add: a week or so afterward, that road company of "Death of a Salesman" called quits, closed down, was done. Now the play belongs to the movies.

THIS brings us, by uneasy stages, to this very drama's director, and to some other prominent and successful commanders of the play parade in our area and our time, and to what has been lately done to them, and what they have lately done in turn to their theater and ours. We are arrived at personalities.

That rumor of certain theatrical celebrities being called down to testify in Washington came true with the appearance there of Elia Kazan. An eminent director now for both stage and screen, he had once been a member actor—an excellent one—of the Group Theater. He testified that he had concurrently been a member of the Communist Party. His repentance of that error was resonant, and not only orally so. He also made simultaneous recantation in an advertisement in the press, going the whole hog of his erstwhile peccancy and his present patriotism with a fervor which would win him rounds of paragraphers' applause. Kazan supplied the committee with several names. He supplied some which had been only tentatively mentioned hitherto, and some which had not been even that. His intentions specifically to the contrary, he nevertheless came pretty close to giving the impression that a connection with the late Group Theater had been next door to inevitable partnership in a Communist cultural plot. Talk—as we have—to assorted ex-Groupers and they'll tell you, as affrighted as indignant, that that impression is unfair, false. Talk to those of them who, by today's process of associational tarring, have been finding it almost impossible to get jobs in pictures, radio, or television, and you'll understand why they are now resigning themselves to similar block exclusion from the stage. It may all

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be supposed to save our country, but it's sure hell on the theater.

Kazan named his old friend and Group comrade, Clifford Odets. Since Odets is one of our foremost playwrights, this gave us a proper jolt. It may even have jolted Odets. He took his turn down in Washington. He seems, according to the news accounts, to have spoken somewhat more heartily than Kazan had. He got off some good, strong truisms in explanation of why he had joined the Communist Party in his "ten-cents-a-day" days, and why he had quit it within nine months. "It wasn't for me." They'd misused his talents, misappropriated his signature, and he was a liberal and still is. His liberality now allowed him to do as others did, to give other party members' or ex-members' names. One was a new name, that of an actor last seen on Broadway in—don't let this depress you—an Odets play. Another actor was J. Edward Bromberg, who had recruited him into communism, so he told. A year ago, appearing before this same House committee, Bromberg had refused to name anybody. Half a year ago, suddenly deceased, Bromberg was being memorialized by Odets as having suffered an unnatural death, a death "by political misadventure" . . . and, "Goodnight, sweet friend." Odets now took pains to corroborate that John Garfield had never been recruited into the party, but it probably occurred to nobody to solicit his goodnight to that sweet friend, too. He made it anyway. "Julie, dear friend," Odets wrote in the New York *Times* (May 25th), "I will always love you."

One more distinguished dramatist, Lillian Hellman, has—at this moment of writing—appeared before the inquiry in Washington. She did so with exceptional dignity. She was fully willing to talk about herself. She refused to tattle about anybody else. Her Congressional rewards may be meager, and that's predicting it mildly. But she alone, of this fresh batch of theatrical witnesses, has done the theater no disservice and lost none of its respect.

We whose knowledge of the law comes mostly from old Al Woods courtroom melodramas can deliver no expert opinion on whether it's so unalterably necessary for such witnesses to spill their giant-killing beans about their fellow pygmies. We who've been so busy going to plays that we've never had much time or temper to go to party meetings of any tinge at all, are still left wondering what ill wind eddying through Shubert Alley could ever persuade one melancholy bit-player to take an active interest in politics in the first place, to hanker for the cold comfort of a Communist cell in the second, third, and *n*th. We who never were, are not now, nor ever will be, and all those solemn so-forths of the most exhaustive loyalty tests, still contend that even the ex-Communists are none of our business. No, and none of our pleasure, either. But the theater is: the theater which, we were praying, would retain its four-hundred-year-old right to favor and non-meddling; the theater of the one-time merry people where, it now stands to unreason, the slaughter of the semi-innocents may next be going on.

"Actors are afraid to act, writers are afraid to write, and producers are afraid to produce anything amateur sleuths could possibly attack." This gospel afterthought was uttered by whom but Elia Kazan himself, supplementing his Washington testimony with an address at Harvard. He should know. He should have showman's instinct enough to be afraid of this, besides: that that large, passive, habitually so patient public has its own rights to stay away in disgusted droves, saying, "a plague on *all* your playhouses."

Hollywood Meets Frankenstein

BY "X"

Hollywood, California

ON OCTOBER 24, 1947, three of Hollywood's top directors sent a telegram to scores of key figures in the film industry. The wire read:

> THIS INDUSTRY IS NOW DIVIDED AGAINST ITSELF. UNITY MUST BE RECAPTURED, OR ALL OF US WILL SUFFER FOR YEARS TO COME. YOUR AID IS REQUIRED IN THIS CRITICAL MOMENT. THIS IS MORE IMPORTANT THAN ANY PICTURE YOU EVER MADE. SIGNED,
>
> JOHN HUSTON, WILLIAM WYLER, BILLY WILDER

"This critical moment" was an investigation of Hollywood by the House Committee on Un-American Activities, and the issue of "The Ten," then still this side of prison.

In those first days of the committee's onslaught, a broad group of film people stood up and fought back. More than fifty stars appeared on two nation-wide broadcasts. Others made a junket to Washington to watch the shabby circus in action. Several top studio executives, among them Dore Schary and L. B. Mayer, said brave words. Both insisted that what mattered in the case of talent was performance, not politics.

But in the hierarchy of the film corporations, men like Schary and Mayer are less than kings. The overlords of

The pseudonym X is used for a group of top-flight writers who have important positions in major Hollywood studios.

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the industry are the New York executives who control financing, distribution, and the theater chains. The motion-picture business is primarily a real-estate operation, and the real estate is in the hands of men like Loew's Nick Schenck, Paramount's Barney Balaban, and Fox's Spyros Skouras. It was these big boys who, at the close of the committee hearings, whistled the studio heads to a meeting at the Waldorf-Astoria. The high-priced hired help were given a brisk caning and a lecture on the facts of life. They emerged from the meeting to issue a statement announcing the firing of "The Ten." A portion of that document is worth quoting, for it has become a Pike's Peak of irony:

> In pursuing this policy, we are not going to be swayed by any hysteria or intimidation from any source. We are frank to recognize that such a policy involves dangers and risks. There is a danger of hurting innocent people, there is the risk of creating an atmosphere of fear. Creative work at its best cannot be carried on in an atmosphere of fear. We will guard against this danger, this risk, this fear.

Actually, with the firing of "The Ten," Hollywood created for itself a monster that was to grow as gruesome as any that ever frightened the wits out of children at a horror matinee. Since that day, the film industry has been in panicky retreat before every attack on civil liberties. It is now a hapless pushover for any witch-hunting outfit that seeks to collect blood or blackmail.

THE spectacle of a giant monopoly gibbering with fright may seem curious until one recalls a bit of Hollywood history. The film executives (not unlike those in other industries) have always had an abiding faith in "the fix." They would rather buy off a racketeering union boss than sit down with an honest labor leader. It was this policy that led to the B-picture episode, a few years back, when the studio heads left a satchel of greenbacks in a hotel room to buy off Willie Bioff. It was this faith in the fix that (when a cog slipped somewhere) led to the landing of 20th Century's Joe Schenck in the federal pokey for income-tax evasion.

Hollywood is a company town, and beneath the fancy publicity it is not so different from a coal town in Kentucky or a cotton town in Alabama. When a strike broke out in 1946, the studios smashed it by using tear gas, fire hoses, and gun-toting deputies.

A few final details to fill in the background. Nineteen fifty-one was a rocky year for motion pictures. The Supreme Court had handed down an anti-trust decision ordering the divorcement of theater chains from production facilities. The public, hit by high prices, began to cut down on money spent for entertainment. Television antennae darkened the sky. In Los Angeles, movie attendance dropped 30 per cent. Hundreds of neighborhood theaters shut their doors. 20th Century's Skouras asked his 130 highest-priced personnel to take salary cuts, some up to 50 per cent. Warner Brothers (showing a comfortable profit for the fiscal year) fired five department heads, one of them with twenty-three years' service.

The film industry, following a national pattern, was searching for a way to slash employee's paychecks and intimidate their unions. Many movie executives looked upon the investigations of Hollywood as a faintly noxious blessing. True, they created nasty publicity. But they also made workers fearful and reluctant to press wage demands. They also kept the unions from becoming militant. Hadn't the conviction of "The Ten" knocked off half a dozen leaders of the Screen Writers Guild?

Meanwhile, the witch hunters were busy. After "The Ten" came the hearings of last year, which used Larry Parks for a burnt offering. Then the Hollywood subcommittee session at which Sidney Buchman turned out to be the main event. Each of these investigations was regarded by the employer element as the big crisis which, once past, would get everybody off the hook and permit a return from panic to Hollywood's normal condition of twittering nervousness. A spokesman for the Un-American Activities Committee actually told an interviewer on TV that last year's hearing would definitely wind up the investigations of "Red influence" in films.

Early in 1952 there seemed to be some easing of the pressure against studio personnel. Studio heads were no longer (or less often) making rousing speeches against The Menace. (One top executive, at a *compulsory* meeting of the entire staff, from producers and stars to grips and messenger boys, demanded that every one of the workers become an informer and report immediately anything of a suspicious character in the words or actions of fellow employees.) But this sort of thing decreased and a numbed weariness settled over Hollywood. The monster had been fed, it seemed, and for a while would be content to digest its victims.

THIS prediction turned out to be wishful thinking. A new quarry was marked for the hunt—liberals and "fellow travelers." This meant attacks on more than isolated writers, directors, actors, and a few producers. It meant the impugning of certain top executives themselves, no matter how fervid their protestations of anti-communism, no matter how many anti-Communist pictures they had produced.

Dore Schary (in charge at Metro, the biggest studio of them all) became a prime target. So did Paramount's chief of production, Don Hartman. So did Stanley Kramer. The Wage Earners Committee, a local nuisance group, picketed theaters throughout the Los Angeles area and paid its respects to Schary and Kramer with placards, on one of which their names dripped blood.

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Neither Schary nor Kramer took it lying down. Both filed suits for more than a million dollars against the Wage Earners, and these actions are now pending in the courts. Schary took a big ad in the movie trade papers and the Los Angeles dailies, defining his suit as "a challenge to all those who recklessly and viciously peddle the tawdry wares of defamation and personal slander." Even the right-wing Producers Association came out in behalf of the libel suits.

The picketing did not stop. But for a moment, there seemed to be a stiffening of resistance. The worm turned, ever so slightly. People who had long ago resigned themselves to a relentless and inevitable McCarthyism crawled up from their cyclone cellars. There even seemed to be a ray of sunlight. When the Republican faction on the Un-American Activities Committee released a report denouncing Hollywood for having failed to purge itself of Communist influence, elements of the Producers Association blasted the report. So vigorous was this reaction that the Democratic members of the committee later dissented from the Republican stand.

Had Hollywood had enough? Had the loss of talent and revenue and the acres of damaging publicity finally exasperated the studios? Had they glimpsed, in the light of events, the shadowy reflection of a lost principle, the principle of civil liberties? It almost seemed as though the saturation point had been reached when, as in the Salem witch hunts, the fanatics started to go after the higher echelons.

PERHAPS by coincidence, perhaps by design, but at this moment—at a time when Schary and Kramer found themselves on the barricades lately manned by people who are now for the most part jobless—Howard Hughes joined battle with the Screen Writers Guild over the issue of monies and credit due screen-writer Paul Jarrico. The latter, a Fifth Amendment casualty, demanded both credit on a finished picture and $5,000. Hughes galloped into the fray, Sir Galahad in tennis sneakers, doing the noble thing to defend free America. That is, it began to be noble after $3,500, for which sum Hughes was originally willing to settle with Jarrico. The Guild, whose contract with the entire industry stipulates that it alone shall arbitrate credits, tried to force Hughes to honor a contract which he publicly and blandly renounced. So far, two courts have upheld Hughes, or at least relieved him of the obligation to fulfill his contract with the Guild.

And since we've come to the courts: recently a jury in federal court awarded Adrian Scott (one of "The Ten") $80,000 due him under an unfinished contract with RKO. Judge Ben Harrison, acting on the appeal of the studio, reversed the decision on the ground that the jury didn't know everything it should have known about the case. In announcing his decision, Judge Harrison also made a pejorative statement concerning what he thinks of a man who refuses to answer a question at a Congressional hearing. At the same time, it is only fair to say that in the case of another member of "The Ten" the judge allowed a verdict for a smaller amount to stand.

The Hughes controversy broke at just about the time that Elia Kazan (with a juicy new contract pending) confessed all to the Un-American Activities Committee and published an advertisement in which he urged "liberals" to "speak out" and inform on associates. The blasts from Hughes and Kazan sent a good many liberals scuttling back to their cyclone cellars to sit it out in what they hoped would be silence.

Then came a development that reached down into the cyclone cellars.

THE American Legion for some time has had a proscribed list which feeds the hungry maw of the *American Legion Magazine* whenever that publication feels the need for more red meat in its diet. About three months ago, the Legion's Americanism experts found a brilliant new way of harassing the studios and getting them to lop off reddish pinks and pinkish whites. The method: picketing.

One or two pictures were picketed in one or two cities, and immediately Representatives of the Industry (run when you hear that phrase) rushed to the Legion experts with a view to arranging some kind of truce. The idea was to arrive at a formula whereby the studios would get a guarantee that pictures would not be picketed. What was dreamed up was a clearance mechanism that may well become Exhibit A in the evidence of this era's corruption of the American tradition. The mechanism works something like this:

Actor or writer finds himself on the list. He is called in by the chief in charge of such matters at the studio which employs him and is given a dossier of "charges" against him. These range from parlor gossip to hearsay quotes from the Tenney Committee reports, to scuttlebutt from the pages of "Red Channels," to data from state and county volunteer committees. Mention in the *Daily Worker*, other than outright attack, is considered a charge.

Out of the "appeasement" meeting between the Legion and industry representatives came a preliminary list of some 300 names, furnished by letter to each studio. The letter stated that if the studio employed any of the listees, picketing on a national scale would ensue when the picture involving the person's services was released.

To meet this, the studio now calls the listee, presents him with the charges, and asks him to write a letter "to the head of the studio" answering, by what is known as an Affidavit of Explanation, the following questions:

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1. Is this so?
2. The reasons for joining organizations cited in the charges.
3. The people who invited you to join.
4. Did you invite others to join?
5. Did you resign? When?

The letter or affidavit (copies of which go to various agencies and organizations, and to certain individuals, including, so it is said, George Sokolsky, Howard Rushmore, and Freddy Woltman) is then submitted to a vague "central committee" for "clearance."

What makes this of particular interest, even among the exhibits of atrocities against civil liberties that are so plentiful these days, is the unblushingly investigative character of the questions, as revealed in the third and fourth items. This goes beyond the Un-American Activities Committee in asking liberals or "sympathizers" to name other liberals or "sympathizers."

In addition to Hollywood's troubles with the Legion, the Un-American Activities Committee has announced a new round of hearings for this coming autumn. Its process-servers are as busy as ever. Throughout the spring, deputy marshals sought out Los Angeles physicians, lawyers, radio, and television artists. Film folk were not ignored. One of the latest to be subpoenaed is a screen writer who received his summons on the floor of a Screen Writers Guild meeting—a meeting presumably open only to members in good standing. Considering the fact that the writer's address and phone number appear in the local directory and that no attempt was made to serve him at home, so far as he knows, the choice of time and place was clearly a calculated intimidation. Fear, suspicion, and wild rumor can be kept at fever pitch without the necessity of formal hearings. All the committee needs is an unlimited supply of pink subpoena forms.

As matters stand today, Hollywood is using half a dozen blacklists, as well as supplementary graylists based upon the vaguest sort of innuendo. The assumption that a person is guilty until proved innocent has become standard operating procedure. A weedy growth of professional witch-hunting outfits has sprung up. Fingermen are doing a brisk business, hourly supplying additional names. In an effort to protect themselves from the cruder forms of blackmail, the studios are hiring their own investigators. Quite likely the talent scouts who once signed up young starlets are now combing the country for promising ex-FBI men.

All this has its effect on the kind of films that are being made. A fair cross-section of the pictures now in production includes the following: "Time Bomb," "Tribute to a Bad Man," "Apache Trail," "Flat Top," "Road to Bali," "Pleasure Island," "Something for the Birds," "Springfield Rifle," and "Bela Lugosi Meets the Gorilla Man"—plus two others whose titles seem uncomfortably autobiographical: "Panic Stricken" and "Tonight We Sing."

It is the opinion of the seasoned if not shell-shocked observers out here that if the industry goes all the way with appeasement of the Legion or any other pressure group on the setting of standards for employability, it will finally deliver itself to the Sokolskys, the McCarthys, and the Wage Earners Committee. After that there can only be darkness and television.

Trouble on Madison Avenue, N.Y.

BY MERLE MILLER

A FEW months before John Garfield's death his agent, Bobby Sanford of the Music Corporation of America, received a telephone call from the producer of one of the better dramatic shows on television.

"Who," the producer asked Sanford, "have you got like John Garfield?"

Sanford, a small, aggressive man with a disconcerting habit of speaking his mind, reported later: "I say, 'What do you mean who've I got like Garfield? I've got the boy himself. Why don't you use him?' And this producer says, 'We just can't do it. I'm sorry but we just can't, and you know why we can't.' I tell him, 'You're damn right I know why.' But I wanted him to say it. Not that they ever will."

The next week Dane Clark played the part which might have been Garfield's. Clark is not listed in "Red Channels," a 213-page publication issued on June 22, 1950, by three war-time appointees of the Federal Bureau of Investigation. Garfield is.

Shortly after Canada Lee's recent death Walter White, executive secretary of the National Association for the Advancement of Colored People, wrote in the Philadelphia *Bulletin,* "A whispering campaign was circulated among broadcasting and advertising executives that Mr. Lee was 'too controversial' because he had appeared at benefits for organizations purportedly fighting race prejudice which subsequently had been placed on the Attorney General's subversive list.

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". . . He told me," White reported, "of four lucrative television appearances which had been offered him, in each of which the sponsor told him that he would employ Mr. Lee after he had 'appeared on some other program.' But none had the courage to be first."

Lee, according to White, had wanted to dramatize his problem by buying a shoe-shine box and setting it up in front of the Bijou Theater where the movie version of "Cry, the Beloved Country" was playing. Lee's performance had been highly praised by the critics; nevertheless, not only was he without work in radio or television, he did not receive a single movie offer either. He proposed to place placards on the shoe-shine box explaining the boycott against him.

"Now," White wrote, "I know I was wrong in dissuading him from his melodramatic plan."

IF GARFIELD and Lee were still living, neither of those experiences could be related without doing them further harm. In the present atmosphere in radio and television, any mention of a performer's or writer's name in such a context makes him more "controversial" and, therefore, more unemployable.

There are several blacklists in use within the industry; for example, the Columbia Broadcasting System has its own catalog of those not to be employed on its programs, but, two years after its publication, "Red Channels" is still the most powerful, and one of this country's largest industries remains prostrate at the feet of what *Fortune* magazine has called "a handful of busybodies."

A well-known and widely respected television writer named in the book recently tried writing under another name because he was unable to get any assignments under his own. He has nevertheless been turned down for one hour-long dramatic assignment on television—told his pseudonym "just doesn't have enough credits."

A long-time radio actress is now clerking in a department store; a distinguished actor has turned to teaching; a script writer is unsuccessfully attempting magazine fiction; a former network executive is entertaining at a summer resort; a second is "hopefully" shooting films in Mexico. He has yet to make a sale.

These people are all named in "Red Channels"; Canada Lee is not. Gilbert Gabriel, the novelist and dramatic critic, is not. Nevertheless, a year ago he was at the last minute turned down for a television quiz show on which he had been scheduled to appear regularly. When he asked the reason, he was reminded that he was then head of the censorship committee of the Authors League of America. "What difference does that make?" he asked. "I'm afraid," he was told, "it makes you too controversial."

But the fear is not confined to New York and the Mecca of the advertising agencies, Madison Avenue. For more than a year Dr. Harold H. Story, head of adult education for the Los Angeles Board of Education, appeared almost weekly on one or another panel show on Station KLAC-TV in Hollywood. In April, on a program called "Hollywood on Television," he said that members of a local pressure group, the Freedom Clubs, were largely "Ku Kluxers in dinner jackets." The Freedom Clubs and their affiliates, the Liberty Belles, went to work on the program's sponsors; two immediately canceled their contracts with the station. Dr. Story was told that he could no longer appear on any of KLAC's programs.

A few days later Paul Price wrote in his column in the Los Angeles *Daily News*, "Right now—this very minute probably—some of these vicious and vociferous organizations are trying to sabotage our more liberal and free-thinking newsmen and commentators." In Dr. Story's case, Price went on, ". . . KLAC took the easy way out. . . . It doesn't have to be that way. . . . Harry Maizlish of KFWB [a local radio station] proved that you can fight these organizations when they attacked his program for presenting Eleanor Roosevelt. This particular attack was as usual well organized and two sponsors withdrew their support from the program. So do you know what Harry Maizlish did? He countered by presenting Eleanor Roosevelt twice a day!" There are very few employers like Mr. Maizlish in the industry.

Shortly after the infamous August weekend in 1950 when because of a few telephone calls (some say 20, others 200) Jean Muir lost the role of Mother Aldrich in General Foods' "The Aldrich Family," she told the press that she would not cooperate with any committee that wanted to "make a cause out of me." She was, she added, afraid that the Communists would work their way into any such campaign.

"I don't want the Communists to use me," she went on. "I want to stay clean. The best way for me to refute these charges is for me to get a job in television, radio, or in some acting capacity. There must be someone with enough courage to hire me." Up to now, no one has.

True, there has not been another Muir case; it seems unlikely that there ever will be. According to Frank Reel, executive secretary of the American Federation of Radio Artists, "These days they just don't hire anybody who *might* get into trouble." Or, as the manager of a network station in New Orleans put it, "Now if you have to drop anybody, you simply say you are making a change in the programming. . . . These things can be handled very simply if management is alert. . . . I have had complaints about a couple of my people, and if there's any more trouble, it's off with their heads."

As for questioning the ethics of using a blacklist, no one in the industry has—publicly anyway; no one has questioned the motives of the three men mainly responsible for "Red Channels"; apparently, no one has even bothered to find out who or what they are.

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Theodore C. Kirkpatrick, John G. Keenan, and Kenneth M. Bierly resigned from the Federal Bureau of Investigation shortly after the end of the Second World War; early in 1947 they set up a firm with a capitalization of $15,000 called American Business Consultants. The first issue of *Counterattack,* a weekly newsletter of "Facts to Combat Communism," was published in mid-May. Most of the money to launch the publication came from Alfred Kohlberg, the wealthy importer who has been one of Chiang Kai-shek's most active and vocal backers in this country as well as one of the most influential supporters of Senator Joseph R. McCarthy.

American Business Consultants was a success from the start. Keenan, its president, told a representative of the trade magazine *Sponsor,* "Conservatively, you can say we gross [from all the firm's operations] between $50,000 and $100,000 annually." But he hurriedly added, "That isn't really much. Why, we know plenty of other ex-FBI men who make a lot more dough than we do working for big corporations." A long-time admirer of the organization was even more flattering in his estimate. "They have an annual income, a net income, of about $70,000 from *Counterattack* alone. I know that for a fact."

Among the targets of the newsletter have been Trygve Lie ("Stalin's choice"); the U. N. itself ("Its officials deny it is a shelter or cover for Communists and pro-Communists"); a judge of the New York State Supreme Court who used the words "witch hunt" in one of his decisions; William L. Green and Philip Murray; the Blatz Beer Company, for using a "fellow-traveling" actress from Milwaukee in one of its ads (the newsletter asked its readers to write directly to the brewery and complain); the book-review sections of both the New York *Times* and the *Herald Tribune* (sometimes for damning a book like "Seeds of Treason" of which *Counterattack* approved, again for praising a volume the newsletter disliked); the Yale Law School, for having "Reds" on its staff; the Associated Press, for distributing an article "misleading" the public on communism in Hollywood; the "slick, sophisticated *New Yorker* magazine . . . read in all parts of the United States . . . for what the C. P. calls its 'upper-middle-class' type of humor and culture"; *Life, Look, Time,* the *Atlantic, Fortune,* Standard Oil of New Jersey, U. S. Steel, all the major radio and television networks, and scores of producers, directors, actors, singers, and dancers, and, of course, *The Nation.*

BESIDES the weekly publication, American Business Consultants provides what the National Better Business Bureau has described as ". . . information on subversive activities to newspapers, periodicals, radio, and other public-opinion media"; it also "offers to business firms research services on subversive activities on a fee basis." The fees often total several thousand dollars each.

Despite the fact that the organization does not have access to the files of the FBI and has never been officially approved by J. Edgar Hoover, a book publisher reports that in a recent interview one of A. B. C.'s salesmen strongly emphasized the FBI theme. "He didn't exactly say Keenan and Kirkpatrick still get a look at the FBI files," the publisher declared, "but he had a moth-eaten letter which pointed up their former association, and his whole approach was the 'fear technique,' implying that the firm might get in a lot of trouble if we didn't have an investigation made of our people or, at the very least, take several subscriptions to *Counterattack.*"

Actually, many firms using such "research" have been dissatisfied with the results. The managing editor of a New York newspaper said, "We were led to believe we'd be getting some 'inside dope' on a certain Commie reverend we were gunning for. . . . There wasn't a thing we didn't already have in our morgue or, for that matter, hadn't already published ourselves, but the whole thing cost us $500."

Shortly after *Counterattack* remarked that, "All networks let some Communists and Communist fronters get on their programs, but C. B. S. is worst of all," the network hired the publishers to "investigate" its employees. The results, a high official has said, "were completely worthless. It was the same kind of thing they put in 'Red Channels.' "

Herblock in the Washington Post

"Whatever Happened to Freedom from Fear?"

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Perhaps coincidentally, shortly after the Hutchins Advertising Agency turned down an offer for an investigation of the personnel used on the radio and television programs it handles, including the Philco account, *Counterattack* had an item headed "Philco Does It Again" in which it denounced an actress appearing on one of the Philco programs and urged its readers to protest. Nevertheless, the agency still did not accept A. B. C.'s proposal for a $1,000 "research" job.

According to *Sponsor*, "Whether intentional or not, the organization is in the position of hanging a double-edged sword over the head of broadcast advertisers. It serves at one and the same time as disturber of the peace, prosecuting attorney, judge, jury, and detective agency. That is to say, it publishes allegations in 'Red Channels,' then follows them up by urging letter-writers to put pressure on sponsors in *Counterattack;* later holds hearings on the accused in its private offices; and personally solicits sponsors to hire its detective agency 'research service.'" Meanwhile, the two branches of the business continue to operate side by side.

RECENTLY, however, the firm has been undergoing internal dissension. For example, Vincent W. Hartnett, a dark, thin-faced, intense young man who now advertises himself as the "author of 'Red Channels,'" is no longer associated with American Business Consultants; Keenan has said that he never was and Kirkpatrick has added, "He is not an employee and has no other connection with us whatsoever except that he did write the introduction [to 'Red Channels']."

Despite that, Hartnett not long ago placed an advertisement in the Brooklyn *Tablet* with the headline, "'Red Channels' Was a Piker." The booklet, the ad went on, "only scratched the surface of Communist influence in radio and TV." To hear "the full, documented expose," Hartnett urged the readers of the *Tablet* to book him for a lecture, "A MUST for every Holy Name Society, K. of C. Council, C. W. V. Post." His rates in and around New York are, he has said, "usually around fifty dollars a lecture." Out of town, the fee is higher.

Moreover, as the self-styled "nation's top authority on communism and communications," Hartnett has gone into the publishing business for himself. His office, complete with files, is in his crowded East Twentieth Street apartment in New York City. As his first independent venture, Hartnett brought out a mimeographed loose-leaf book called "Confidential Notebook (File No. 13)." The book, which is sold by the publisher himself, is in the hands of a good many sponsors and advertising and network executives, most of whom, as usual, deny ever having seen it.

The technique employed in assembling the material is approximately the same as that used in "Red Channels," and many of the names also appeared in the earlier book, sometimes with more "front" organizations which those listed allegedly belonged to or supported. However, "Confidential Notebook" includes additional names of playwrights, musicians, book and magazine publishers, editors, and writers, newspaper columnists, and even a few well-known lawyers. In some cases, again as in "Red Channels," Hartnett uses the *Daily Worker,* a letterhead, or a report of the Un-American Activities Committee as the source for his allegations. In others, he credits only "a private source." During the Second World War, Hartnett was an officer in Naval Intelligence.

To supplement his income, Hartnett occasionally makes his files available "to a few qualified persons." "By qualified," he explained, "I mean not everybody would understand them and be able to weigh the information properly." This service is not given gratuitously even to the "qualified." "The price," Hartnett declared, "varies, but you might say it's frequently in the neighborhood of $500."

Finally, the one-time intelligence officer is working on what he is said to have described to potential subscribers as "an encyclopedia of communism and Communists in the United States." The new book, he is quoted as saying, will "contain several thousand names, some of which will be a complete surprise to everybody, and there will be a lot of textual material too." He adds that owning the book will be "essential to anyone in a position of authority who is a true anti-Communist." It will be available only in a limited edition—understandably, since he told the executive quoted above that the price will be $500 a copy.

IN ADDITION to Hartnett's separation from American Business Consultants, Bierly, one of the founders, has also parted company with the firm in a manner which he says "you couldn't exactly call friendly." He has moved his office to a West Fortieth Street address and has set up a new organization, partly concerned with "getting people out of the trouble 'Red Channels' got them into." One of his more lucrative accounts is Columbia Pictures.

His first job for Columbia was "to clear up the confusion about Judy Holliday," a "Red Channels" listee who has frequently been denounced in *Counterattack* as well. Miss Holliday has not recently appeared on either radio or television, but she did play the lead (and won an Oscar for it) in the movie version of "Born Yesterday," and, currently, in "The Marrying Kind." When the pictures were released there were threats of a picket line wherever either was shown. ("Born Yesterday" was in fact picketed in New York when it played the Victoria.) However, most of the threats did not materialize, and Bierly has said, "You might put it that I had

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something to do with getting the facts, the true facts, to the right people. . . . You can say . . . that Miss Holliday is not a Communist and never has been, and neither are a lot of other people in it." By "it" Bierly meant "Red Channels."

More recently, Kirkpatrick himself is reported not to be active in the organization for which he was so long the most vociferous spokesman. At this writing, the office of American Business Consultants will say only that, "Mr. Kirkpatrick is on vacation." They add, "The time of his return is uncertain." Kirkpatrick himself is not available for comment, but the rumor is that he plans to run for Congress in Queens on the Republican ticket.

Thus, of the founders of American Business Consultants probably only Keenan remains, a man described by Bierly as ". . . more the business man and . . . the most right-wing of us." Keenan, now forty-one, was born in Brooklyn, graduated from Fordham, received his law degree from St. John's, and, before joining the FBI in 1941, was a member of his father's long-established law firm, Alexander and Keenan, at 42 Broadway. Now he is a partner. It was Keenan who said, ". . . After the hullabaloo of 'Red Channels,' and the Korean War following after that, and all this hodgepodge and mess, we felt we had laid an egg that was a bombshell. . . ."

Nevertheless, although its ranks are depleted, American Business Consultants goes on; Keenan is still its president; *Counterattack* continues to appear every week; the firm continues to sell its "research" and "Red Channels" remains "the Bible of Madison Avenue."

THERE are 151 names in "Red Channels"; they include such notable playwrights as Arthur Miller (who was told by a radio producer, "We'd like to repeat some of those adaptations you did for us right after the war, but you're in 'Red Channels,' brother") and Lillian Hellman; there are important directors, and world-famous actors and actresses. Some of those listed were only well-paid hacks and a few of the performers never advanced much beyond an occasional soap opera, but their talent or lack of it is unimportant. All of them have suffered, financially and spiritually. One influential and vigorously anti-Communist lawyer, some of whose clients are named, puts it this way: "Every one [of the 151] has been affected. A few don't even know it, but they've *all* lost some shows. A majority have lost a great many jobs, and a good-sized minority just aren't working at their professions any more."

After each of the 151 names is a list of organizations which the person is "reported as" having once belonged to or supported. Although the subtitle of the book is "The Report of Communist Influence in Radio and Television" and the cover shows a giant red hand grasping a microphone, the publishers of "Red Channels" have not said that all or any of the 151 is a Communist or even a Communist sympathizer. According to Bierly, the book was published because early in 1950 it had ". . . been quite some time since we had any special report at all. Most of our subscribers [to *Counterattack*] had come to expect these occasional things, and we were wondering what perhaps might be desirable or timely." They decided on radio and television; there had been previous special reports on such subjects as the Progressive Party and the Mundt-Nixon "Communist-control" bill.

However, in putting the book together the publishers made no attempt to differentiate between what Kirkpatrick was later to call "the dupers and the duped." Such a distinction, according to Bierly, was impossible. "It was immaterial whether they [the 151] were Communists, entirely immaterial to what we were trying to do. It had no bearing on whether they were Communists. In the first place, we don't know who is a Communist. In the second place, we couldn't find out if we had asked them who were anti-Communist and who were pro-Communist."

No attempt was made to check with those named to find out whether or not the allegations were true. Irene Wicker, for example, is listed only as having been a member of the Committee for the Reelection of Benjamin J. Davis. When her attorney failed to find her name among those of the 30,000 nominating Davis for office, he forced a retraction from the *Daily Worker*, which had published the allegation first. Miss Wicker was officially "cleared" in *Counterattack*. Nevertheless, she is still not working in radio or television.

Many of the listees have taken part in clear-cut anti-Communist activities; with a few exceptions, these are not mentioned. Gypsy Rose Lee has denied each of the four activities attributed to her; more important, she points out that she played benefits for France and Britain during the non-aggression pact; she took part in another for Finland when that nation was being attacked by Russia. No party member or fellow traveler would have done so. Yet these facts are not mentioned in "Red

In Whose Image?

Speaking at the Baccalaureate services for George Washington University on May 26, the Very Reverend Doctor Francis Bowes Sayre, Jr., Dean of Washington Cathedral, called attention to the fact that men are forced nowadays to account to the American Legion and "other 100-per cent American groups" for their character and integrity. "To me," he protested, "that is the next thing to being answerable to Moscow. In whose image are we created? In that of the American Legion or of God?"—*From the Washington Post, May 26, 1952.*

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Channels." Miss Lee has said, "If a man (or woman) is to be judged by the company he keeps, he should be judged by all the company he keeps."

But Bierly has said, ". . . we do not really concentrate on collecting anti-Communist statements as such. . . . We didn't go out and . . . actively try to find out how many Communist statements they [the listees] made at cocktail parties, nor how many anti-Communist statements they . . . made at cocktail parties or in business, or anti-Communist organizations they belonged to, nor did we try to find out whether they were Communist, pro-Communist, Fascist, or what have you. . . ." When "Red Channels" was published Miss Lee was working regularly in radio and on television; she no longer is.

In the two years since June 22, 1950, the industry has been seeking an answer to "Red Channels." Mostly it has simply not hired those named in the book. In addition, the Columbia Broadcasting System has required each of its employees to sign a "loyalty statement." One or two resigned; the majority were humiliated and indignant; so far no "subversives" have been turned up. There was talk of an industry-wide screening board and of asking the federal government to declare the industry "sensitive" and thus use governmental screening agencies. The board never materialized; the government refused. The American Federation of Radio Artists set up a clearing house for voluntary statements by those listed in "Red Channels" or accused elsewhere of being "disloyal." A year after the plan was initiated, the union's executive secretary, Frank Reel, said, ". . . in my opinion it has been a failure." A vehemently debated constitutional amendment aimed at those who have ". . . maintained membership in . . . or joined the Communist Party since December 31, 1945," has not at this writing been tested. It probably will not be.

Actually, no one in authority in the industry, on either the union or management level, has publicly defined what is being looked for. Is one affiliation in "Red Channels" enough to bar a man from future employment? Are a dozen required? Are forty-one necessary? Who can say?

To date, no one has even tried. A multi-billion-dollar basic industry has simply knuckled under to the pressure of a trio of troublemakers capitalized at $15,000.

SHORTLY after the publication of "The Judges and the Judged," a man from Atlantic City who identifies himself as "a man on the street" but whose name is known to this writer wrote to the president of the Columbia Broadcasting System suggesting a way to deal with a blacklist. "I am giving it to you first because I like your 'Invitation to Learning' program," he wrote.

"All pressure groups," he continued, "are overrated. Like pressure, they blow up, and the man on the street goes in the store and buys your stuff anyway. Why don't you and your sponsors hire anybody, no matter who he or she is, just as long as he, or she, or they, have the talent for the job, even if it's being president of the company?

"In the first place, it is legal, which means it is constitutional . . . and . . . it is democratic . . . and it is virtuous, too. The results? Well, there will be a lull, the first few days, a lot of stupid talk, and then everybody on the other networks, and his brother, including the sponsors, will want to join your act. . . . And, finally, it will be the finest thing that ever happened to this country since Columbus came over and started all the trouble."

A Citizen's Creed

None of us can know how much of this inquiry into the private lives of American citizens and government employees is necessary. Some of it is necessary—but we have no way of knowing which, when, or where. We have seen enough to know for sure that a great deal of it is altogether irresponsible. Well, there is a way of making it all responsible, of fixing responsibility. As one citizen of the United States, I intend to take that way, myself, from now on.

Representatives of the FBI and of other official investigating bodies have questioned me, in the past, about a number of people and I have answered their questions. That's over. From now on any representative of the government, properly identified, can count on a drink and perhaps informed talk about the Red (but non-Communist) Sox at my house. But if he wants information from me about anyone whomsoever, no soap. If it is my duty as citizen to tell what I know about someone, I will perform that duty under subpoena, in open court, before that person and his attorney. This notice is posted in the courthouse square: I will not discuss anyone in private with any government investigator.

I like a country where it's nobody's damned business what magazines anyone reads, what he thinks, whom he has cocktails with. I like a country where we do not have to stuff the chimney against listening ears and where what we say does not go into the FBI files along with a note from S-17 that I may have another wife in California. I like a country where no college-trained flatfeet collect memoranda about us and ask judicial protection for them, a country where when someone makes statements about us to officials he can be held to account. We had that kind of country only a little while ago and I'm for getting it back. It was a lot less scared than the one we've got now. It slept sound no matter how many people joined Communist reading circles and it put common scolds to the ducking stool. Let's rip off the gingerbread and restore the original paneling.—*Bernard De Voto in* Harper's Magazine, *October, 1949.*

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Confessions of a 33d-Degree Subversive

BY LOUIS ADAMIC

MYSELF, I've been as subversive as my energy and other means have permitted me to be. If I weren't subversive I couldn't endure myself. In 1948 the Department of Justice published a list of subversive organizations and, according to the press, I was, or had been, or was alleged to be, connected with most of them. Then, in the spring of 1950, Congress appropriated a large sum of money for the Un-American Activities Committee to prepare and publish a sort of Who's Who in American Subversion. The volume will probably require a five-foot shelf, for by press accounts it will contain the records of more than a million individuals. I hope mine will take up at least a page.

I don't know—and in a way don't care—how many subversive organizations I was, or still am, or was or am alleged to be, connected with. But I claim that I belonged to, or was on the sponsor list, or appeared on programs of several of those that favored the Loyalist government against Franco in Spain; went through the motions of protecting the foreign-born; believed in improving the status of Negroes; supported the war effort under Roosevelt; favored the idea of avoiding World War III immediately after World War II; preferred friendship to conflict with any country, yes, even with the Soviet Union; objected to the execution of Greek subversives under the aegis of the Truman Doctrine because, as reported in the press, they had "leftist leanings"; and so on.

The Un-American Activities Committee never informed me of the data it had on my subversiveness; but whatever it has is all right with me, as far as it goes. I'm sure, however, it doesn't go far enough. I am guilty of derelictions that the committee isn't aware of yet; and to get the space I deserve in the forthcoming Who's Who in American Subversion, here's the record.

In my study hangs a framed diploma-like document that recognizes my help in selling war bonds during 1943-45. Some of the millions I wangled out of the American public doubtless went—through the channels of the American "free-enterprise" system—for lend-lease to the Russians. This document on the wall of my study is signed by F. D. R's personal friend, Secretary of the Treasury Henry Morgenthau, Jr., a fanatic anti-Nazi who put forth the Morgenthau Plan to disindustrialize Germany. I daresay Morgenthau will get into Who's Who in American Subversion too, for advancing the plan, unless of course the Herculean job is abandoned when Washington discovers that practically everybody in America is subversive and that there's no point competing with the telephone book.

While I was abroad in 1949, friends sent me clippings of news stories which reported the latest "revelations" about me by "ex-Communists" and self-confessed Soviet spies converted to Catholicism and out to make a name for themselves. Reading the clippings, I found out that I was "a tower of strength" behind I don't recall what organization, a Stalin stooge, and, at the same time, a Tito-tooter. One paper said that somebody in Washington had compiled a list of thirty-*two* "really dangerous subversive organizations and publications" and that I was or had been a member or sponsor of, or a contributor to, thirty-*three*.

THE discrepancy bothers me. Was it my book reviews for the New York *Herald Tribune* that made me a thirty-third-degree subversive? Could be. According to Westbrook Pegler, a rooter for the Un-American Activities Committee, the *Herald Tribune,* while nominally a Republican sheet, is suspect for employing editors and critics who are ill-disguised Reds. And Karl Marx wrote for the *Tribune* when it was edited by Horace Greeley, a radical to the left of Lincoln who was denounced by the Peglers and Thomases of his day for being not merely subversive but an out-and-out traitor. Or was I a thirty-third-degree subversive because I was a long-time member of the American Legion?

To be a member of the American Legion one has to have served in the armed forces of the United States. Could *that* be it? I did serve in the American army in World War I, but subversion was no problem then. So I reviewed my connections with the United States army during World War II, and I swear on a stack of Sears, Roebuck catalogs that all I remember is the following: I talked with Commander-in-Chief Roosevelt three times. I urged General Staff and Intelligence officers to bone up on the Tito movement before they decided to invade and liberate Yugoslavia. And one evening in the Carlton Hotel bar in Washington I bawled out a general who had had a couple of highballs too many and practically revealed the date set for the Normandy invasion. Could any of these items have fattened my subversive record?

Or was I a super-subversive because I wrote "The Native's Return" on a Guggenheim fellowship? That made me a Guggenheim fellow traveler for life, along

LOUIS ADAMIC'S last book was "The Eagle and the Roots," which was completed before his death in 1951. This article is an excerpt from an unpublished manuscript.

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with the poet who wrote "John Brown's Body" and the novelist who wrote "God's Angry Man"—both in praise of a crazy character so subversive he had to be hanged.

Or let's consider this episode in my reprehensible career. One day in 1937 I was sitting on the stage in a ballroom in the Waldorf-Astoria Hotel during the proceedings of the annual New York *Herald Tribune* Forum when the polite stranger next to me introduced himself as David Stevens and turned out to be the head of the Humanities Division of the Rockefeller Foundation. Instead of listening to the speakers, most of whom were subversives of one kind or another, Mr. Stevens and I held a whispered conversation about a magazine article of mine he had just read, and the first thing I knew he asked me if I could use a grant-in-aid. I wasn't exactly broke at the time, but the offer was one of those flukes that could happen only in America; and who was I to scorn our Way by refusing a Rockefeller grant? On the other hand, being a subversive and hep to some of the history of great American fortunes, and also being tired after finishing a book, with my whole character in a wobbly and sagging condition, I didn't—I couldn't—refuse Rockefeller money. In short, I took it. And for a while in 1949, thinking back, I was almost sure it was *that* which made me a thirty-third-degree subversive. For guilt-by-association is a subtle, haphazard, long-armed, wide-ranging invention that's almost bound to drag you in. There's no dodging it except maybe if you live on an island all by yourself and have nothing against anybody or anything—and then you might as well be dead.

Scientists in the Doghouse

BY KIRTLEY F. MATHER

MEN and women who devote their time and energy to scientific research are peculiarly vulnerable to suspicion, recrimination, and punishment in times like these, when irrational fear restricts the fundamental freedoms. The headquarters files of the American Association for the Advancement of Science are rapidly filling with documents, many of them confidential, revealing the startling extent to which individual scientists in all parts of the country are suffering the consequences of the effort to gain security through secrecy and of the campaign to paralyze all independent thought, discussion, and dissent concerning America's foreign policies.

There are some obvious reasons why scientists are favorite targets of those who look for potential traitors and subversive characters behind every bush. In the first place, scientists, by the very nature of their mental habits, are internationalistic rather than chauvinistic in outlook. They know that fellow scientists in foreign lands are working on problems more or less akin to their own. More than anyone else they are aware of the deep indebtedness of American technology to the scientific research pursued by citizens of other countries. They know that the progress of science is most rapid when there is the greatest freedom for uninhibited communication among scientists throughout the world. All who can afford to do so belong to one or more international organizations of researchers in their own special field. As a group, scientists want to reduce the keeping of scientific secrets to the absolute minimum necessary for national security. It is only natural that they should heartily dislike the red-tape curtain dropped around the United States by the 1950 McCarran act.

In the second place, scientists are necessarily devoted to the most important and most fundamental of the democratic freedoms, the freedom to think one's own thoughts and to express them so that they may be appraised in the court of public opinion. The fraternity of scientists is, in fact, the outstanding example of a "free society" in modern civilization. Each scientist is not only permitted but encouraged to form and express his own judgment. When he thinks others are wrong, he says so. By the same token, he is ready to submit his opinion to the judgment of his fellows.

It is not surprising, therefore, that scientists occasionally speak up in defense of a fellow scientist who is charged with disloyalty because of his associations or who is being persecuted for alleged "un-American" ideas he may have expressed. Even though one scientist may strongly disagree with another's opinions, he knows he must defend the other's right to express them, else he will be false to his high calling as a seeker of the truth. He trusts the laws of libel and misconduct to take care of any pernicious extension of the principle of freedom, and with Thomas Jefferson, who was a scientist as well as a statesman, he says, "We are not afraid to follow truth wherever it may lead, nor tolerate error as long as reason is left free to combat it." And if there enters his mind the suspicion that perhaps in times of ideological conflict a little thought control might be desirable, he has only to remind himself of the sorry plight of the biological sciences in the Soviet Union.

These attitudes, the inevitable fruits of the intel-

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lectual discipline of science as a method of gaining knowledge, are of course in perfect accord with the genius of American democracy. Once confirmed by training and experience in the laboratory, they are almost certain to characterize the scientist in all aspects of his life, as a citizen as well as an investigator of nature or a technician in industry. Indeed, therein lies the danger for the man of science. Freedom to think for oneself and to express one's own thoughts in the comparative safety of the white-tiled, gadget-crowded laboratory is one thing. To carry over that habit into the world beyond the laboratory is quite another—as many a scientist has learned through bitter experience in recent years.

THE machinery for teaching scientists that lesson is unfortunately extensive and well oiled. There is as yet no equivalent of "Red Channels" for the nation's scientific man-power, but *Counterattack* is right on the job, and Senator McCarthy has made a start in compiling his own blacklist of scientists. On October 20, 1950, the ineffable Senator spread on the pages of the *Congressional Record* a blacklist of seven prominent scientists who, according to him, are "supporting the causes of Stalin's fifth column in this country."

The Subcommittee on Subversive Activities of the National Americanism Commission of the American Legion periodically publishes its blacklist of lecturers, writers, and others "whose past activities make them unsuitable or inappropriate for Legion sponsorship." Several well-known scientists are included in this list. Although the directive concerning the use of the "information" by Legion posts states that it was compiled so that no Legion post would endorse, or its members participate in a meeting with, a subversive person, the practice in many local posts goes far beyond the instructions from national headquarters. On many occasions over-zealous Legionnaires have made strenuous attempts—not all unsuccessful—to bar scientists from appearing on local programs.

Scores of scientists connected with institutions of higher learning are listed in "Red-ucator Dossiers"—"Red-ucators at Harvard," "at Columbia," "at Chicago," etc.—issued by the National Council for American Education "as part of its campaign to rid the schools and colleges of socialistic, un-American teachings and teachers." Fortunately, the stronger universities have stood their ground. But the campaign has made headway in other institutions, and its repercussions have ramified throughout the entire company of American scientists. Younger men and women, especially, have regretfully decided that the opportunity to pursue their chosen profession undisturbed can be gained only by completely avoiding controversial issues.

The election of Dr. E. U. Condon to the presidency of the American Association for the Advancement of Science in December, 1951, was seized upon by Representative Richard B. Vail, of Illinois, as the basis for an attack upon the association itself. "What manner of organization is this association and what sort of people comprise its membership who elect such characters as their leaders? I commend the outfit to the attention of the FBI and the Committee on Un-American Activities." Fulton Lewis, Jr., eagerly picked up the Representative's allegations that the association follows "the typical Commie line" and spread across the country smearing insinuations about its officers and members in his syndicated newspaper column.

Without exception, the tactics of these would-be repressers of the civil liberties of scientists involve the use of the obviously un-American procedure now known as "guilt by association." Justification for labeling a person "fellow traveler," "Commie sympathizer," "pinko," or "Red" is based upon his alleged affiliation with organizations that have been listed as subversive by the Attorney General, the Un-American Activities Committee, or the legislative committees to investigate communism that have been set up in several states. Scarcely any publicity has been given to the Supreme Court's stinging denunciation, in the case of the Joint Anti-Fascist Refugee Committee, of the Attorney General's procedure in compiling his blacklist, without notice or a hearing, a rebuke that presumably would apply to legislative committees as well. This ruling was handed down nearly a year ago, and yet no hearings have been granted, and the list still stands.

Although the heads of many scientists are bloody but unbowed, the heads of many others have been lopped off. The number of such tragedies is far greater than any statistician can ever discover. Both the unfortunate victims and the institutions by which they have been employed have characteristically shunned publicity, for reasons that may differ from case to case but add up to a definitely "hush-hush" policy.

THE major portion of research activities in university laboratories is subsidized by federal agencies—which makes the universities and science particularly vulnerable to the Congressional witch hunt. Consequently, political screening, rather than mere technical competence, has been accepted as necessary at many academic institutions even when the work is completely unclassified and does not involve access to anything that could be considered a military secret. Administrators dare not risk charges that might be made by Congressional committees or radio and newspaper commentators that they are employing "red" scientists. Visits of FBI agents to heads of departments, project directors, deans, and presidents did not cease with the war. Some institutions have their own security officers, who are concerned not only with classified projects but

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also with research projects not covered by security regulations. Particularly where academic tenure has not been a stumbling block, it has been comparatively easy to dismiss, or bar from employment, capable scientists accused of past association with organizations now considered questionable or subversive.

There are, moreover, other ways of punishing scientists who are under suspicion of political heresy. Especially since the passage of the McCarran act, despite President Truman's wise and strongly worded veto, the Department of State has been exercising increasing control over the movements of American as well as foreign scientists, both in and out of our country. The power to withhold passports and visas is a power which, when improperly used, can deal a serious blow to scientific progress. International gatherings of scientists have been seriously curtailed, both in America and abroad, by the establishment of political and ideological tests of fitness. Freedom to travel may not be one of the justly celebrated "Four Freedoms," but for the man of science it ranks at least as high as any other.

The seriousness of the present situation and the attitude of responsible scientists toward it are accurately portrayed by the resolution adopted unanimously by the Council of the American Association for the Advancement of Science in Philadelphia last December:

> The Council of the American Association for the Advancement of Science is profoundly disturbed over the present world conditions which so severely impede the free interchange of knowledge even among friendly nations. Danger to the future of our nation is implicit in such restrictions.
>
> The Council recognizes the need for measures which will effectively safeguard our security, but expresses its troubled concern over the manner in which such measures, in particular the McCarran act, are being administered, to prohibit American citizens from going abroad and citizens of other nations from coming here to interchange knowledge of science which does not affect security.
>
> The Council strongly urges that the administrative procedures under the McCarran act be reviewed and modified so as to minimize injustices and to increase both our internal strength and our prestige abroad.
>
> The Council further urges revision and improvement of the relevant portions of the act, to retain the objectives of necessary security, but with adequate provisions to maintain free interchange of knowledge that has no security implications.

Since the adoption of that resolution there have been numerous incidents that emphasize the wisdom of giving consideration to its recommendations. For example, a letter was recently received at the Washington office of the Federation of American Scientists from Louis Leprince Ringuet, eminent physicist and member of the French Academy of Sciences, concerning the difficulties encountered by several French scientists who wanted to attend scientific gatherings in the United States or to accept invitations to teach or do research in American institutions. He wrote, in part:

> Many French physicists who would like to have contact with their colleagues in the United States are no longer willing to make the request, since the resulting formalities will complicate their lives. . . . We are often ignorant, moreover, of the reasons for these delays. . . . Conversations with the American officials often raise hopes that visas will be granted after a short period, and this impression is repeated at each request for a complete inquiry. . . . The applicant has the real feeling of being a suspect who is put off from week to week; the more so because he receives a long interrogation as if before a police magistrate. This state of affairs seriously impedes the possibilities of contact with scholars in the United States and is most detrimental for science. . . . Lastly, the multiplicity of instances of delay produces a deplorable effect on French opinion. . . . I have even seen the expression "iron curtain of the West" applied to the United States. . . .

THE other aspect of the passport problem is the refusal of the State Department to grant passports to American scientists for foreign travel, which often prevents them from pursuing research projects of vital importance to the United States. There have been many such instances; one of the most glaring is that of Linus Pauling. Dr. Pauling is one of our most eminent chemists, former president of the American Chemical Society and chairman of the Division of Chemistry and Chemical Engineering at the California Institute of Technology. His outstanding contributions to our military strength during World War II won him the Medal of Merit, bestowed on him by President Truman in 1948. Dr. Pauling applied for a passport to enable him to take part in a conference of the Royal Society of London, this spring, on the structure of proteins. His application was denied; the only explanation offered by the State Department was that it had refused to issue a passport on the grounds that issuance would not be in "the best interests of the United States."

Not only does this appear to be unreasonable and unusual punishment of Dr. Pauling, but the repercussions of such events throughout the great body of American scientists cannot but be deleterious in the extreme. Not knowing what alleged crimes have brought this penalty upon one of their number, the scientists, upon whom the future security and prosperity of our country depend, will find their efficiency decreased in subtle but significant ways. Each will decide that the only way to avoid a similar fate is to withdraw completely from all participation in public affairs. No longer will they dare to give critical consideration to the social implications of their work. In one large compartment of

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their lives, in which they should accept their responsibilities as citizens in a democracy, they will fit their minds into the Procrustean bed of rigid conformity to official governmental policies and majority opinion. How soon this acceptance of authoritarian dictates will carry over into the other compartment of their lives, in which scientific habits of thought have proved so invigorating for scientific progress, is a neat question for the psychologists. At the moment, it is generally held that schizophrenia is quite bad for a man.

Certainly the scientists of America cannot be expected to do their best work as long as they remain in the doghouse. The appeal to get them out into the fresh air, where the winds of freedom and confidence will once more stimulate them to high intellectual adventure, is based not so much upon selfish desire for the personal welfare of individual scientists as upon the recognition of what is absolutely essential to the continuing health of science as an important contributor to the future of America.

The Bigots and the Professionals

BY VERN COUNTRYMAN

FOR years the House Un-American Activities Committee and its allies in bigotry have had three favorite targets: labor unions, entertainment stars, and government employees. Recently there have been growing indications that the bigots are beginning to focus on certain other professional groups: lawyers, ministers, doctors, and newspapermen.

The attack on the lawyers is of longest duration, and understandably so. Many people haled before committees on "un-Americanism" have retained lawyers who, with varying degrees of success, have opposed the typically high-handed methods of the investigators. And as any members of a committee on un-Americanism can tell you, a person who opposes the committee is a Communist.

This sort of reasoning was employed in the House committee's report of September, 1950, labeling the National Lawyers Guild the "legal bulwark of the Communist Party." In addition to a typical distortion of the Guild's record to make it coincide with the "party line," proof for this charge was found in the fact that a number of Guild members had advised their clients to invoke the constitutional privilege against self-incrimination when asked about Communist Party membership. (In December, 1950, the Supreme Court held this to be sound advice.) These attorneys, said the committee, "knowingly or unknowingly function under a directive issued by the . . . Communist Party which prohibits its members from cooperating with the committee."

The committee also charged that "almost without exception" Guild leaders "seek to bring the courts and its [*sic*] procedures into disrepute." Evidence for this sweeping charge was found in Judge Harold Medina's action holding five Guild members—three of them Guild officers—in contempt of court for their conduct of the defense in the Dennis case. Although the Supreme Court confined its review of these contempt actions to procedural matters, three justices expressly indicated that they considered Medina as much at fault as the lawyers for the spectacle the trial provided. But Medina was promoted and the lawyers went to jail.

Nor was that the extent of the punishment, for some of the lawyers at least. Two of them have been disbarred and proceedings are pending against a third. Strangest of these proceedings is the action of Federal Judge Hincks in disbarring Harry Sacher for "an excess of zeal." The incident which most offended Hincks was a remark by Sacher that if the prosecutor were a contemporary of Jesus he "would have had Jesus in the dock." This remark, said Hincks, was "crowning proof . . . that Mr. Sacher is a skilled master in the art of inflammation and so habituated to the practice of that art that he cannot safely be left as a member of this bar." Thirty-two years ago, in another Communist prosecution, Clarence Darrow charged that the prosecutor "would have sent Christ to jail just the same as you would these defendants." In the comparative calm of the 1920 Red hunt no one thought of disbarring Darrow or holding him in contempt. And the bar weathered many more years of his zealous arguments for the defense.

The House committee's latest move on lawyers came in its Los Angeles hearings last January when sixteen local attorneys who had been active in liberal causes were subpoenaed. Because the sixteen opposed the subpoenas on constitutional grounds, the committee has not yet moved to compel them to testify. But the nature of its proposed inquiry can fairly be anticipated from its past attempts to compel lawyers and their clients disclose confidential conversations covered by the privilege for attorney-client communications.

This type of harassment is not confined

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Judges who preside over convictions in political cases are promoted and successful prosecutors get judicial appointments. But judges who make rulings favorable to the accused feel the wrath of the bigots. Judge Edward Dimock, when he permitted certain Smith act defendants to leave New York to collect defense material, was subjected to bullying editorial abuse by the New York *World-Telegram* and the *Journal-American.* When Judge Delbert Metzger reduced the bail of Smith act defendants in Hawaii from $75,000 to $7,500, Senator O'Mahoney denounced his order as "outrageous" and declared that Metzger, whose term expired a month later, would not be reappointed. Three months later the Supreme Court reversed a federal judge in California who had fixed bail for still another group of Smith act defendants at $50,000, and bail in their cases was ultimately fixed at $5,000 to $10,000. Judge Metzger has not been reappointed.

Longest under attack has been California's Federal Judge Leon Yankwich. In 1947 the Tenney "Little Un-American Activities Committee" labeled the People's Educational Center in Los Angeles a Communist organization and listed Judge Yankwich (who had delivered one lecture before the center in 1945 attacking Hitler's racist theories) as a member of its "faculty." Years later, Judge Yankwich presided over a suit for breach of employment contract brought by Lester Cole, who had been discharged by M-G-M because of his failure to answer questions of the House committee. When the jury gave answers favorable to Cole on certain factual questions submitted by M-G-M, Yankwich entered judgment for Cole for $75,000. This judgment was reversed on appeal because of some erroneous instructions to the jury, but M-G-M, apparently far from confident of its case even in a new trial with corrected instructions, settled out of court with Cole and Dalton Trumbo, who had a similar suit pending, for a sum reported to exceed $100,000. A few weeks ago, Representative Richard B. Vail reached into the grab-bag of unsupported charges, pulled out the Tenney Committee's attack on Yankwich, added his own charge that Yankwich had interpreted "the law and the evidence in diametric opposition to the national interest" in the Cole case, and demanded a Congressional investigation of the judge's fitness for office.

FACED with the intimidation of lawyers in political cases, disregard of the attorney-client privilege, and
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, it adopted resolutions excluding
from the A. B. A. and urging disbarment for all lawyers who are members of the Communist Party or who "advocate Marxism-Leninism." Since that time it has been engaged in circulating a Brief on Communism: Marxism-Leninism, prepared by a committee working "in close cooperation with the American Legion." The brief fails to define "Marxism-Leninism" in any comprehensible way, but it does throw some light on how the A. B. A. resolutions are to be interpreted: (1) "All Communist conspirators are not members of the Communist Party"—some of the "most important . . . Communists and fellow travelers are forbidden . . . to hold official membership." (2) "The Communist conspirators . . . may be depended upon to support the increased domain of government in business, in credit, in transportation, in communication, in housing and power projects." (3) Any lawyer "who is a member of the Communist Party . . . or who embraces and practices the doctrines of communism, either as an ardent Communist or as a fellow traveler," should be disbarred.

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MINISTERS are less frequently involved in political causes than lawyers but have no greater immunity from attack if they do participate—on the wrong side. Three years ago the Reverend John Howard Melish was removed by the Protestant Episcopal Church from a pastorate he had held for forty-five years because his son and assistant had been identified with a number of "Communist-front" organizations. More recently, the Reverend George Abbe of the First Universalist Church of Annisquam, Massachusetts, was dismissed by his parish committee because he joined a committee for the defense of Professor Dirk Struik of the Massachusetts Institute of Technology, who is charged with violation of a Massachusetts version of the Smith act. And a few weeks ago the Reverend Henry J. Carpenter, executive secretary of the Brooklyn Division of the Protestant Council of New York City, was denied a passport to visit Japan for the State Department's usual non-revealing reason: his trip would be "contrary to the best interests of the United States."

A less publicized but still current instance is that of the Methodist Federation for Social Action, which for many years has been under attack by the Hearst and Scripps-Howard press. Late last February—and less than two months before the Methodist Church's quadrennial conference—the House committee released a special report on the Federation, consisting of a collection of previously published statements (principally from such reputable sources as the New York *Herald Tribune,* the *Daily Worker,* the Chicago *Tribune,* the *National Republic,* and the Bureau County [Ill.] *Republican*) and concluding with a simple exercise in addition: "The Federation advocates social-economic planning in order to develop a society without class distinctions and privileges.

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William Z. Foster . . . said: 'Socialism is the first stage of communism.' " The Methodist conference in April voted to request the Federation to drop the word "Methodist" from its name and to vacate its offices in the New York Methodist Building. The conference also amended its Social Creed to endorse "the principle of the acquisition of property by the Christian processes. . . ."

The bigots were less successful with the Reverend Stephen Fritchman, minister of the First Unitarian Church in Los Angeles, who refused last September to violate the confidence of his congregation by answering questions of the House committee about activities in his church. On December 14 *Counterattack* labeled Fritchman and his church "a center of front activity" and urged its subscribers to complain about Fritchman's regular Sunday broadcast over station KFWB. On December 21 Fritchman was notified that his contract had been canceled because the station "had been subject to criticism." The board of trustees of his church—which had also endorsed his position before the House committee—promptly appealed his case to the public and stirred up such a protest that the program was reinstated on December 30.

FOR doctors, signs of a concerted campaign began last September and were repeated in January when the House committee summoned a number of them to testify about their own and others' political activities. One of those who refused to answer the committee's questions at the first hearing was Dr. Murray Abowitz of Los Angeles. Two months later, as described by Hannah Bloom in *The Nation,* May 3, 1952, Drs. Abowitz, Richard Lippman, and Alex Pennes—all of whom had opposed the Tenney Committee's proposed loyalty oaths for licensed professions—were dropped from the staff of Cedars of Lebanon Hospital, without hearings or charges, for "political" reasons. Only concentrated community action forced the hospital trustees to reconsider their decision.

Coincident with the committee's hearings was the announcement by Henry Kaiser's Permanente Hospital, also in Los Angeles, that it would employ no doctor "whose loyalty to the United States government is not established to the satisfaction of Permanente." This same policy is required of all public hospitals in California under the Levering act, which imposes a loyalty oath on all state employees. Pennsylvania's Pechan act imposes the same requirement, and Philadelphia General Hospital last April dismissed a resident physician, a nurse, and a group of internes because they refused to take the oath.

The Doctors' Draft law of 1950, permitting the drafting of doctors up to age fifty while others are subject to draft only up to age twenty-six, has also become an instrument for testing loyalty. Doctors who will not take a loyalty oath are denied commissions. Without a commission the army will not permit the doctor to practice. But he is drafted anyway—as a private—and, if he is lucky, may be assigned to duty as a laboratory technician.

So far the intimidation of doctors for their political views has brought no protest from the medical associations. The A. M. A. has busied itself, instead, with voting contributions to the American Legion's All-American Conference to Combat Communism, memorializing Congress to investigate the schools for "infiltration of un-American fallacies of collectivism," and pinning the "socialist" label on all who support national health insurance. And the New York State Medical Association last May raced ahead of the A. M. A. by adopting a resolution that made the loyalty oath obligatory for all of its members.

NEWSPAPERMEN thus far have been subjected to few attacks from the investigators of "un-Americanisms," but this is not surprising; with very few exceptions the press has given the investigators invaluable support by headlining their irresponsible charges and, in many instances, embellishing them somewhat. But when Drew Pearson criticized Senator McCarthy, the Senator's appeal for a boycott of Pearson's radio sponsor pushed Pearson off the air for several months, and McCarthy's response to similar criticism from *Time* magazine was: "I am preparing material on *Time* magazine to furnish all your advertisers." Senator McCarran resorted to the same technique against a Las Vegas newspaper which had the temerity to criticize him in his own bailiwick.

There is evidence, moreover, that the House committee is not fully satisfied with the performance of the press, and that newspapers and magazines may expect fuller treatment. In its hearings last January the committee produced two ex-Communist newsmen to begin revelations on a "cell" of journalists in Los Angeles, and Tom O'Connor, managing editor of the New York *Compass,* was haled before the committee last month. This inquiry may work from the bottom of the profession up, following the bait tendered by Bishop Fulton J. Sheen, who—speaking either from divine revelation or from some remarkable detective work for a man in his position—told a Rome audience last April that in the United States in 1936 "there was hardly a prominent newspaper commentator who did not have a Communist secretary." Louis Budenz, one of the Bishop's converts, will doubtless supply references as needed.

Resistance to this assault can be successful if it is vigorous, courageous, and prompt. Meanwhile, Americans must apparently be careful about what they confide to their lawyers, ministers, or doctors—their confidences may make newspaper headlines any day now.

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6,000,000 Second-Class Citizens

BY RALPH S. BROWN, JR.

MANY people today refuse to admit that there is any difference between political liberalism and communism, and assert the right and duty to impose on others their own standards of belief and conduct. One group that is especially vulnerable to such imposition is the six million Americans who work for the government—federal, state, or local.

Working for the government means working for all of us. If "we" want to limit the civil liberties of our employees, several rationalizations are available. One is to assert that since public office is a public trust certain disabilities attach to its acceptance. A less velvety way of reaching like results is to advance the doctrine that public employment is a privilege, not a right, and may therefore be burdened with conditions. Another approach derives from the contrary assumption that the government employee, far from being a servant, is our master. We must put hooks into Leviathan. The immense opportunities of bureaucrats for corruption, sabotage, oppression, and subversion must be held in check, even if the process deprives the bureaucrat of liberties cherished by other free-born Americans.

The Hatch act, with its brood of little Hatch acts in the states, was directed at overt political activity. It left untouched the right to vote, to belong to a political party, to contribute to it, and to join in petitions. Little noted at the time was another provision that marked the beginning of loyalty tests for federal employees. Section 9-A of the Hatch act denied federal employment to anyone who belonged to an organization advocating the overthrow of the government.

If 1939 marked a turning point in the civil liberties of government employees, as it did in so many aspects of human affairs, its importance was soon submerged in the tide of war. Section 9-A and similar requirements in appropriations acts were interpreted to refer, essentially, only to membership in the Communist Party, the Bund, and a few other clearly Communist or Fascist organizations. The Civil Service Commission was the chief enforcing agency; its War Service Regulations permitted denial of an appointment if there was a "reasonable doubt" as to the applicant's loyalty—the same standard that is now in effect in the federal loyalty program. But it was applied with a difference: the commission's instructions implementing the regulation showed some sophistication and restraint. By the time the Truman Loyalty Order came into effect, more than 1,300 applicants had been declared ineligible by the commission. Loyalty dismissals by employing agencies probably did not exceed 200.

During the war little public attention was directed to this program, or to the dismissal of civilian employees on security grounds, which the military departments were making in considerable numbers. When in 1947, under Congressional pressure and amid confused cross-currents of public opinion about spies and "subversives" in the government service, President Truman inaugurated the present loyalty program by Executive Order 9835, he attached considerable importance to its aim to protect the employee as well as the government. Procedures and criteria were now to be uniform, in contrast to the mists of obscurity that surrounded the war-time programs.

WE HAVE now had almost five years under Executive Order 9835, and the mist is still swirling. With the federal government showing the way, anti-subversive legislation has proliferated in the states and municipalities. Congress has added trimmings here and there, and a ponderous capstone in the Internal Security Act of 1950.

Since national security was the ostensible goal of all the turmoil, special efforts were directed toward the agencies most concerned to protect it. There is no question that they have been given ample powers to eliminate security risks and have exercised them alertly. The war-time legislation authorizing summary dismissal by the military departments was revamped in 1950 and extended to the State Department, Justice, Commerce, and other agencies that deal in state secrets. In its present form it might better be called a "summary-suspension" statute, for the procedures leading to final dismissal do not differ significantly from those of the loyalty program and are usually carried out by joint loyalty-security boards. The Atomic Energy Commission stands a little apart, with its own statutory command to satisfy itself of the "character, associations, and loyalty" of every employee, and of every contractor's employee having access to "restricted data." But its procedures also follow the general pattern.

Consistency of procedures between security and loyalty programs is a normal development, but one might have expected sharp differences between the standards for dismissing an electronics expert and a charwoman. The

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standards, however, have tended to merge. When an agency has both loyalty and security jurisdiction, the only distinguishing mark of a loyalty case may be that it goes to the Loyalty Review Board, which does not have security jurisdiction. Critics have called for a sharper description of sensitive positions and for a refinement of security standards, but the overlap exists, so that the main problems persisting after five years are usually common to both security and loyalty cases.

These problems, as they affect the fairness of the programs and thus, both directly and indirectly, the civil liberties of government employees, are fairly well known. One way of listing them, as *The Nation* (May 17, 1952) and others have done, is in terms of the deviations of loyalty cases from what would be considered constitutional rights in a judicial trial.

In this piece I shall not discuss how close to a judicial trial these proceedings ought to be; legally, there is no present constitutional necessity for any resemblance, in view of the Supreme Court's failure to upset the decision of the Court of Appeals in the Dorothy Bailey case. If we are to consider the effect of the program on the freedom of the employee to hold, voice, and act on unpopular opinions, three elements stand out: the lack of any intelligible published standards, the consequences of secrecy (these two are of course related), and the multitude of apparently groundless cases.

IF A government employee is fired because there is a reasonable doubt of his loyalty, everyone, including the administrators of the program, agrees that the stigma is overwhelming. But does the decision—as a matter of underlying standards, not just the facts of the single case—mean to imply that the victim is another Benedict Arnold? Or only that he is not another Nathan Hale? If we can take at face value one of the definitions that have been proffered by the chairman of the Loyalty Review Board, Nathan Hales are called for. Mr. Hiram Bingham, addressing the American Bar Association in 1951, said, "Where there is reasonable doubt as to whether an individual will put his country above his personal interest, his employment constitutes a potential danger to the security of the government."

One can surmise that everyday administration is not so exacting for if unswerving subordination of personal to national interest were in fact the test, the executive department would have been decimated, while the imagination recoils at the hypothetical application of such a test to the legislative branch. Indeed, there is more than surmise that the standards in fact consist of a rather mechanical schedule of so much involvement with proscribed organizations and so many associations with suspected individuals.

The present point, however, is not what the cases would show, but that it is settled policy for them to show

> "Constitutions must be defended by the wisdom and fortitude of men. These qualities no constitution can give. They are the gifts of God, and He alone knows whether we shall possess such gifts at the time we stand in need of them."—*Edmund Burke*

nothing, except the final decision of the boards. Even for internal use, opinions and findings are discouraged. Though the facts of a number of celebrated cases have been widely ventilated, mostly by Congressional curiosity, in literally only one case do we know what influenced the departmental board (as it happened) to clear and the Loyalty Review Board to dismiss. That was the result of the State Department's insistence on explaining why when it was finally ordered to fire John Stewart Service.

This secrecy is defended in the interests of security because of the counter-espionage elements that may be present in some cases, or in the interest of protecting the employee, of which more later. The failure to expound, even in expurgated summaries, the meaning of the work of the loyalty boards is thus part of the general pall of security censorship that makes these cases so difficult to defend. As is painfully familiar, the FBI and other investigative reports that form the basis for federal loyalty-security cases need not be disclosed to the respondent if in the judgment of the investigators the security of their operations would be prejudiced, and the source of reports may be withheld even from the boards.

This policy has two major consequences. First, the charges may be incomplete. Second, the presentation of the defense is hampered by the inability to confront witnesses and to know what the board may have up its sleeve. These obstacles are not insuperable. The respondent is not barred from guessing at what episodes in his life lie behind the charges, and he is free to develop at length what a good boy he is, in the hope that a shining record of anti-communism (if he can prove one) will either meet the lurking but unspecified accusations or overbalance them. Further, there is said to have been a marked improvement from the primitive and suspicious beginnings of the programs. But however great the ingenuity of employees and their counsel at divining that a disgruntled landlady is at the root of it all, the burden of defending a loyalty case is still exhausting. Even if a successful defense led to a certificate of purity instead of to further harassments, the difficulty of making it seems certain to curb freedom of action.

The resolution of the security dilemma has so far stumped the experts. Professor Zechariah Chafee, Jr., doughty battler though he is, accepts the proposition that if all witnesses had to appear, "the operations of the FBI would be crippled." One of the great riddles of the loyalty program is whether this concession is necessary.

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It is in partial recognition of the inadequacy of standards and the potential unfairness of decision, I suspect, that the reviewing mechanism of the program has become so elaborate. As Alan Barth says, several heads are no better than one when they are acting on faulty premises, but the troubled administrators seem to welcome the gamut of screening and appeals that, though it may only multiply fallibility, at least spreads responsibility for it. The Loyalty Review Board was probably designed in part to take the heat off administrators, and it served this function boldly, for example, in finding no grounds for denying William Remington's present loyalty at the time when he was under public attack.

OF LATE, however, the board seems to conceive its function to be turning on the heat. To substantiate this view one need not resort to the pungent minutes of a board meeting that someone leaked to Senator McCarthy and that were never disowned. The 1951 shift in the formal standards from the requirement that "reasonable grounds exist for belief that the person involved is disloyal" to the present rubric that requires dismissal if "there is a reasonable doubt" was initiated by the board. There have been a number of attempts, both official and amateur, to define the difference between these formulas. The best is probably that proposed at a recent meeting of the American Society for Public Administration: "Another turn of the screw."

Besides turning the screw, the Loyalty Review Board persists in a policy that to my mind is the worst defect of the program, because, unlike the two already mentioned, it could easily be corrected. That is its insistence on having cases carried through to formal hearings, though the statistics show that most of them should not be. To minimize the effect of the program it is customary to point out that fewer than 400 employees have been fired (these figures, based on detailed tabulations, refer to the loyalty program; no adequate data have been published on the security cases). Walter Gellhorn and other acute critics argue that this is not a boast but an indictment, when it is compared to the number of adjudicated cases, now about 10,000. That is, no more than 4 per cent of the loyalty cases have resulted in "convictions." The defendants in the other 96 per cent have had the dubious blessing of being cleared—until something else turns up and proceedings start again. The board views the hearings simply as an extension of the investigative process and points to a supposedly beneficent kind of secrecy, their confidential character. This is an illusory safeguard. Aside from the suspicions aroused among neighbors and others by a "full field investigation," the defense of a case, as former Attorney General Francis Biddle has pointed out, requires the employee to enlist the aid of his family, his friends, his associates. Total strangers need know nothing about it.

The chief impact of the federal loyalty program has come from the hearings and the threat of dismissal, rather than from sweeping purges. The search for disloyalty has diminished the liberties of civil servants in three ways. First, there are the procedural shortcomings. Second, an employee who has once been involved in a proceeding loses a good deal of his former freedom to transfer to a different job, either outside or (especially) within the federal service. These effects are felt by those who have got caught in the wheels. Third, and this affects millions rather than thousands, it seems certain that a program of "thought surveillance" operates to twist the political and social thought and action of anyone who is or may want to be a federal employee. A job applicant, by the way, may never even get to the hearing stage. If the personnel officer thinks the record might lead to a hearing, the prudent course is to find the applicant "unsuitable."

THE effects of the program on the morale and independence of government employees, of which we have had many impressionistic reports, are now receiving experimental verification. Marie Jahoda and Stuart Cook of New York University have made a preliminary study based on seventy extensive interviews, the results of which were published in the March issue of the *Yale Law Journal*. It seems likely that a wider survey would produce further evidence that the threat of loyalty or security proceedings has made federal employees less willing to read, to criticize, to join civic groups, and, what is most depressing, to trust their fellows.

For what have we paid this price? The goal of all the programs is supposed to be to strengthen national security. It is ostrich-like to deny that spies and saboteurs exist and that the government must make strenuous efforts to frustrate them. But we have chosen a terrifying device. No one, I think, claims that the loyalty mills have caught a single spy.

Political tests have so far been applied to circumscribe the liberties of government employees with a Communist record or with a radical record that, any time in the last generation, could easily be smirched by Communist associations. But there is nothing to prevent the Communist smear from being spread thinner and thinner. Finally it may represent only a token allegation whenever a majority, or a resolute minority, is bold enough and illiberal enough to take hold of the existing loyalty machinery and use it without restraint against its opponents. The djinn is out of the bottle.

Some people still look to the courts to rub their lamp and dispel the monster. The judicial record to date on the issues should dispel the hope. Fear of communism, or, as Arthur Sutherland has shrewdly suggested, anger at communism, has provided the driving force for these programs. One can only hope that it will abate before we

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have got too used to having a djinn to do our bidding.

A recent modest request by the Civil Service Commission for legislative assistance illustrates this last point. There has been a long and obscure struggle within the government over the control of the hiring and firing of hearing examiners. The Administrative Procedure Act of 1946 confirmed their quasi-judicial status and provides that they can be removed only "for good cause." The commission would like Congress, please, to relax this requirement. It has had loyalty complaints about some of the examiners, but its hands are tied. Why? Because of some troublesome constitutional rights. "Good cause" means that hearing examiners are entitled to due process of law.

Labor and Civil Liberties

BY ARTHUR EGGLESTON

THERE are those who say that the effect of the witch hunt on the learned professions, the schools, the churches, the universities, the courts, and the institutions which concern themselves with things of the spirit and intellect may be even more serious in the long run than on the labor movement. That may be true, but if the labor movement is destroyed, there will be no "long run." It is important, moreover, for professional and academic people to understand that the organized-labor movement stands between them and the abyss of complete conformity and spurious scholarship, if only through sheer weight of numbers, its strategic position, and its traditional concern for civil liberties and the general welfare.

What is the proof of these statements? Simply this: the employer groups who are behind the Taft-Hartley, Smith, and McCarran acts, the new anti-labor proposals in Congress, the assault on minimum-wage laws, the witch hunts on all levels and in all segments of society are not interested in ideologies or abstruse theories. No high principles, for example, prevent them from granting the union shop to one union on Monday and withholding it from another on Tuesday.

Their attack on the labor movement, using the witch hunt to divide and confuse it, is right out of the adding machine. If their calculations had shown them in 1945 that by continuing the labor practices of the New Deal they would have been able to increase net profits, life in America would have been very different these last few years. But the adding machine told them that if labor improved its relative and absolute economic position, profits and dividends would shrink. And if, as they thought in 1945, and are beginning to think again in 1952, a depression is on its way, there will have to be a concentrated drive to weaken the bargaining power of labor—to prepare for wage cuts, mass lay-offs, and the speed-up.

From 1945 on it has been war—against *all* labor organizations. No matter how "anti-Communist" the union and its leaders may be, no matter how actively they support the defense program or the Administration, when it comes to cents-per-hour, contract benefits, and labor's rights to an equal voice in determining wages and conditions, the war is against all unions. Effective unions and leaders can never "purge" themselves unless they allow themselves to be captured, neutralized, or destroyed.

The witch hunt is a tested device. The first recorded use of the "foreign-agent" theory of labor troubles was in Boston in the 1820's. Carpenters struck for the ten-hour day. The master-employers could not believe "this project to have originated with any of the faithful and industrious Sons of New England, but are compelled to consider it an evil of foreign growth."

So it is today. Under the guise of rooting out "foreign agents," the drive got under way in 1947 with the loyalty "purge" of government employees a year after the United States Chamber of Commerce suggested that this might be necessary. Then came the Chamber's demand for publication of a list of "Communist-controlled front organizations and labor unions"—a suggestion now being seriously considered by the labor-management subcommittee of the Senate Labor and Public Welfare Committee. But the real drive was foreshadowed in a report of the Chamber early in 1947 on Communists within the labor movement, which predicted: "It is probable that the Eightieth Congress will modify the Wagner act so that employers can work more effectively and without fear of law violation with American-minded employees in opposing Communists within the labor movement." Congress got the point immediately and in June, 1947, passed the Taft-Hartley act.

So the witch hunt, which began with "foreign agents," is being extended to cover liberals of all shades of economic and political belief. Those who do not conform must be barred from factories, business offices, schools, colleges, government, the entertainment world—in short,

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from their jobs. The Chamber of Commerce is behind this suggestion, too.

Congress is acting promptly. The Senate labor-management subcommittee, headed by Hubert Humphrey, is considering the best methods of "ridding unions of Communist-domination," without, as Secretary of Labor Tobin puts it, "injecting the government too far into the regulation of the internal affairs of unions." It is getting helpful advice on how to deprive members of accused unions of their jobs. James B. Carey, head of the C. I. O. International Union of Electrical Workers, which is fighting one of the independent left-wing unions, the United Electrical, Radio, and Machine Workers, does not favor new legislation to bar Communists from union offices. But he likes the method used by the Atomic Energy Commission, which simply refused to allow companies working on its materials and supplies to deal with the U. E. This method, it seems clear, could easily be used by other government procurement agencies.

THIS is not an isolated case. Albert Epstein, a labor economist, told the Humphrey Committee: "The problem of civil liberties is not involved since it is already public policy to disestablish company-dominated unions and one could hardly contend that a Communist-dominated union should enjoy any more privileges than are allowed to a company-dominated union. It is clear that we are dealing in an area where government intervention is accepted and proper."

Members of a union *choose* their officers; employers *impose* both leaders and union on employees in the case of company-dominated unions. There is no similarity between the two situations. Neither the Communist nor the Republican Party imposes Harry Bridges on the International Longshoremen's and Warehousemen's Union. The members elect him by secret ballot and can remove him at any time by recall proceedings which can be instituted by only 20 per cent of the members. Yet the National Labor Relations Board told the Humphrey Committee that since the C. I. O. Steel Workers have barred Communists from holding office, Congress can bar Communists from holding union office. No doubt the board would argue that because the C. I. O. convention expelled a number of unions, Congress can expel a number of unions from the C. I. O.

Benjamin C. Sigal, attorney, wants government procurement agencies to set up tripartite boards to investigate charges of communism against unions and leaders and withhold contracts from firms which continue to deal with unions found to be dominated by Communists. Sigal, who has represented a number of unions, including the United Shoe Workers, recently learned what it was like to be on the receiving end of the witch hunt. He and John Brophy, C. I. O. members of the Wage Stabilization Board, were "Red-baited" by Representative Richard B. Vail at a recent public hearing of the House Labor Committee, as the chairman listened without objection and the other committeemen, including some "friends of labor," maintained an embarrassed silence. Both men, of course, denied the charges. So it goes. The purgers are purged and then the purgers of the purgers are purged.

DO THESE examples indicate that division and confusion have gone so far that labor leaders have lost their grip on reality? No. A number of sane voices are raised now and then in protest, and if the trend observable in recent conventions is an indication, the heyday of the witch hunt in the labor movement is over.

An outstanding recent instance of this trend was the strong stand which Hugo Ernst, general president of the A. F. of L. Hotel and Restaurant Employees and Bartenders International Union, took in defense of Abram Flaxer's refusal to turn over membership lists of the United Public Workers to the McCarran Committee. Ernst did this because, he said, "if we don't rise up to defend ourselves against these violations of our basic rights, we are certain in the end to pay heavily for precedents now being set at the expense of the 'untouchables.' " He cited, too, with approval the protest made by Charles MacGowan, president of the A. F. of L. Boilermakers Union, and Dan Tobin, president of the A. F. of L. Teamsters, against the Supreme Court decision upholding a Taft-Hartley act $750,000 damage suit against the I. L. W. U. Both leaders are ultra-conservative, but as MacGowan said, the fact that the union involved was considered to be "Communist-led does not change the fact that if they can legally do it to that organization, they can likewise impose it on the most conservative labor organization."

A few sane voices were raised, too, before the Humphrey Committee recently. Joseph Curran, president of the C. I. O. National Maritime Union, bluntly told the committee: "Unions in a free country should be permitted to take their own action to keep their house in order. Repressive legislation cannot help. There already exists enough law to protect our country against treason, etc. Committees should examine into the questions on which Communists thrive, discrimination, slums, and so forth, with a view to helping to stamp out violations of democratic ideals."

William Green, president of the A. F. of L., also opposed legislation to deal with Communists in the labor movement. Let the movement handle the problem, he said. "It would be extremely difficult," he told the committee, "to prove that members in a labor union are Communists, to establish beyond peradventure of a doubt that members of a labor union or those who are members and dominate a labor union are Communists."

Philip Murray, president of the C. I. O. and of the

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United Steel Workers, termed the committee's apparent move to pass laws which would intervene in trade-union elections "unnecessary and unwise." He said:

> As a basic philosophy, we in the C. I. O. believe that the right of American workers to choose their own collective-bargaining representatives is as fundamental to our democratic way of life as the right to speak, to worship, and to assemble freely with one's fellow-men. Encroachments upon this fundamental right to choose collective-bargaining representatives should never be undertaken except after a showing that such encroachments are vitally necessary to our national safety. We do not believe any such showing has been made. We believe that if the government undertakes to determine what unions can represent workers in this country, it will have embarked upon the long trail toward government control of unions.

J. B. S. Hardman, veteran labor editor, warned the Humphrey Committee, "not many will buy anti-unionism disguised as anti-communism—nor will union members accept ineffectual union leadership merely because it is attired in anti-Communist battle dress." "Unions," he added, "do not seem to respond easily to compulsion. Legislation, and likewise the courts, proved unable to check unionism when that was the objective in the early days of the Republic. They succeeded only in making union advance painful, halting, and more costly." That is a delightful reminder to the labor movement, which sometimes becomes pessimistic, and to its attackers, who are somtimes too optimistic, that the movement has more vitality than appears on the surface.

Of all the testimony concerning the latest phase of the witch hunt against labor which was introduced before the Humphrey Committee, the most revealing was given by L. R. Boulware, vice-president of General Electric, and Gwilym A. Price, president of Westinghouse. These were not off-the-cuff statements, but formal responses of two key industrial executives to a policy question posed by the committee. Boulware is one of the newer militant and surprisingly frank industrialists who have to deal with labor organizations but don't like them and don't pretend that they do. He starts off by saying: "Concern for the national security in this area [presumably electrical manufacturing] involves necessarily the consideration of some possible limitation on free choice of representatives by employees." He wants Congress to use its full powers to hunt Communists out of labor unions, to identify and expose them, to place Communist-dominated unions on "subversive" lists and thus remove the possibility that strikes for "political" purposes will be called. But here is his dilemma:

> In practice, however, it is not only difficult to determine what strikes are "political," but we would hardly feel justified in identifying unions as being Communist-dominated merely because they call or support strikes in defense plants. Certainly in the present defense period, the various anti-Communist or right-wing unions are at least neck and neck with any left-wing unions—publicly suspected of subversive tendencies or dangers—in their threatened or actual interruption of critical defense production in our own atomic, steel, electronics, and aircraft plants.
>
> Our own actual day-to-day negotiations and other such governmentally compelled relationships have not provided us with any conclusive evidence for our reliably and authoritatively determining that one or more of these unions were in actual fact under Communist domination. In certain anti-Communist unions, we so often find ourselves dealing with substantially the same leaders in a new role who only yesterday and for years past were in the camp they now denounce.

Now it comes! How lasting is conversion? What does it profit a right-winger if he used to be a left-winger? And how do you tell whether he's a right-winger who used to be a left-winger or a left-winger posing as a right-winger? "It is our impression," says Boulware, "that the employees and the country at large are entitled to know authoritatively who are the leaders who have shifted for reasons of internal union expediency or, more important, who are agents of new infiltration of the reformed group."

And then he levels on the whole basis of the witch hunt without realizing that he is giving the show away:

> One of the criteria we hear most frequently urged—for use as positive proof of Communist Party membership or other such dangerous association—is sworn testimony before the Un-American Activities Committee or other Congressional committees. But we have never been able to convince ourselves that we could determine what unions or individuals were Communists merely upon the existence of such testimony, for the reason that we did not believe that we were qualified to determine the . . . trustworthiness of the individuals who testified.
>
> It seems to us to be obvious that individual employers such as we, cannot and should not make the determination as to what unions are led by Communists even on the basis of sworn testimony, for the reason that some of those union leaders who are now most avowedly anti-Communist have, in fact, been identified by testimony under oath as having been at one time members of the Communist Party. For example, there is testimony under oath before the House Un-American Activities Committee in October, 1939, that Mr. James B. Carey, secretary of the C. I. O. and now president of the International Union of Electrical, Radio, and Machine Workers (C. I. O.), who is quite vocally opposed to communism and Communists, was a member of the Communist Party. From anything we know, we should think that such a statement was inaccurate in the extreme.

Obviously anti-communism, no matter how loud, is not enough. If you still continue to represent a union which presses for increased wages, benefits, pensions,

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> Next in importance to personal freedom is immunity from suspicions and jealous observation. Men may be without restraints upon their liberty; they may pass to and fro at pleasure: but if their steps are tracked by spies and informers, their words noted down for crimination, their associates watched as conspirators, who shall say that they are free? . . . The freedom of a country may be measured by its immunity from [espionage]. Rulers who distrust their own people must govern in a spirit of absolutism; and suspected subjects will be ever sensible of their bondage.—*May's "Constitutional History of England."*

seniority—for all the things that interfere with an employer's unilateral determination of his workers' wages and conditions—you're from the other side of the railroad tracks. Incidentally, Mr. Boulware, who wants the government to prepare blacklists and void union elections, gives as support for his recommendation his view that the left-wing unions were expelled, "not because they were found to constitute a danger or threat to the country, but chiefly because they had refused to follow the political and other policies which had been adopted and endorsed by the C. I. O."

Mr. Price, head of Westinghouse, doesn't express as many doubts about what to do as Boulware does. He has a sort of "germ theory" to apply to labor leadership: "Active participation by an individual in the affairs of a union found to be Communist-dominated should create a presumption that the individual is a Communist supporter, and that presumption should taint other labor organizations with which the individual becomes associated. . . . The active participants in the affairs of Communist-dominated unions should bear that stigma with them wherever they go." But sometimes Communists deliberately refrain from taking office so they can operate under cover. Or they actively oppose the union leadership. Therefore, government must investigate everybody in the union, officials and members. And any "interested party," including employers and rival unions, should be able to initiate investigations of individuals and should be free from libel and slander charges. In addition, employers should be permitted to suspend individuals whom the employer has accused.

Well then, what are the witch-hunters up to? Are they worried about Communists and foreign agents or are they worried about so many cents per hour, vacations with pay, pension plans, and the like? Listen to Mr. Boulware. Recently he testified that the attitude of several anti-Communist unions in wage negotiations with General Electric "is just as much help to Joe [Stalin] as if these union officials were, in fact, Communist agents." And to which unions was he referring? The conservative and anti-Communist A. F. of L. International Association of Machinists, the anti-Communist C. I. O. United Automobile Workers, the anti-Communist A. F. of L. International Brotherhood of Electrical Workers, and the anti-Communist C. I. O. International Union of Electrical Workers. What price the witch hunt?

All these attacks are hopeful signs that the mask will soon be ripped off, that the labor movement may cease to be confused and divided into warring sections which destroy one another. Recent conventions representing nearly three million workers spoke out strongly against the Smith, McCarran, and Taft-Hartley acts, against the McCarran immigration act, against attacks on minimum wages, and against attacks on civil liberties. Frank Rosenblum, vice-president of the C. I. O. Amalgamated Clothing Workers, declares that these measures have "created, in effect, a parallel legal system superseding the Bill of Rights, the Constitution, and our traditional body of law. . . ."

THERE are other equally hopeful indications that opposition to the witch hunt with its "parallel" system of law is mounting. Under a Presidential Executive Order of October 12, 1950, the Coast Guard has been screening the nation's waterfronts and ships. At first the longshoremen and seamen accepted the screening in good faith as a necessary part of what was termed a "port-security program." But evidence has been growing that it is being used to bar from the docks men with militant trade-union backgrounds.

The contention of the maritime workers who have been "screened" off the docks and the ships—and out of their jobs—that the Coast Guard has failed to observe due process in its investigation was recently upheld by Federal Judge John C. Bowen in Seattle. In a decision which is destined, perhaps, to become an important trade-union and civil-liberties precedent, Judge Bowen ruled that "the loyalty-screening proceedings . . . violate the due-process-of-law requirement [of the Constitution] because the defendants are not advised of the nature of the disloyalty charges against them and [are not] given a hearing on those charges before adverse findings are made." This, in effect, is the decision which the United States Supreme Court avoided making in its 4–4 split on the Dorothy Bailey case last year. If upheld, Judge Bowen's ruling will put an end to star-chamber proceedings of this type.

The words of a longshoreman who was screened out of a flour mill by the Coast Guard—not off the ships or the docks but out of a flour mill—are worth recording. After pointing out that screening as practiced by the Coast Guard has been a thought-control and blacklisting device, this man remarked: "The real solution lies with the labor movement and with the people in general. It is traditional in America for people to come to the aid of anyone who is being mistreated—once they realize what is going on."

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The Witch Hunt and Civil Rights

BY CAREY McWILLIAMS

THE past few years have witnessed an anomalous development in the struggle to safeguard human freedoms. Some progress has been noted in the effort to extend civil rights, but serious setbacks have occurred in almost every category of civil liberties. The more obvious this paradox has become, the greater has been the stress placed on the distinction between civil rights and civil liberties—as though it somehow explained the paradox.

The distinction has, of course, some historical basis. Since the passage of the original federal civil-rights act, rights which stem from legislation aimed at preventing discrimination on account of race, creed, or color have been called "civil rights," whereas the basic liberties are those previously sanctioned by the Bill of Rights. Though historically valid, the distinction has been used to create the impression that human rights are adequately protected, when in fact the opposite is true.

Recent events explain the emphasis now placed on the distinction. When President Truman presented his civil-rights program to Congress on February 3, 1948, basing it on the report of his Committee on Civil Rights, he created an issue that was a major factor in his election that fall. But by then the cold war had begun to make serious inroads on civil liberties. Even earlier, in fact (March 22, 1947), the President had signed the executive order creating the federal loyalty program; and it was not long before a marked change was noted in the climate of national opinion. The freedom of public debate and minority dissent which had been allowed with few restraints in the war years began to be sharply curtailed. For example, many outstanding radio commentators with a liberal point of view who had won large audiences during the war found that the networks now had no place for them, and the radio time of the few that were retained was reduced to an insignificant minimum. It also became clear that the people were accepting without question the slanted opinion dealt out to them.

At first the inconsistency of distinguishing between civil rights and civil liberties remained unnoted. The great ferment of the war years about human rights seemed to carry into the post-war period. The cold war even appeared to add impetus to the movement for civil rights. We could hardly continue, many hopefully believed, to sanction racial discrimination at home while bidding for world leadership abroad. But by the end of 1949 disturbing signs had appeared. The joint report on civil rights issued by the National Association for the Advancement of Colored People and the American Jewish Congress for that year called attention to "an ominously increasing recourse to violence by groups intent on maintaining existing discriminatory and racist standards. . . . The opposition to racial equality was able to stymie the federal civil-rights program in the United States Congress so that not a single civil-rights measure was enacted."

In 1949, it will be recalled, occurred the savage Peekskill riots, which began as an "anti-Communist" demonstration but quickly became the occasion for the manifestation of extreme hostility not only to Negroes but also to Jews. Compelling evidence of the same trend may be found in the killing of two unarmed Negroes in Westchester County, New York, by a retired Yonkers policeman and his recent acquittal by an all-white jury. The year 1949 also witnessed the Peoria Street riots in Chicago, which lasted off and on for five days, and the week-long violence in Groveland, Florida, over the alleged rape of a white girl by four Negro youths. Reports of the N. A. A. C. P. and A. J. C. refer to thirty-four Negroes killed in 1949 while "in the custody of the police," to forty-one cases in which Negroes were injured by mobs, to forty-two acts of anti-Semitic violence, and to scores of attacks on Negroes who sought better housing in Chicago, Atlanta, Richmond, Chattanooga, Nashville, Birmingham, and Washington.

THE trend continued the following year. According to the joint report of the N. A. A. C. P. and the A. J. C., "after fighting broke out in Korea, the civil-rights issue rapidly lost ground. It failed to figure in the election of 1950 to anything like the extent it did in 1948." Moreover, "the Eighty-first Congress, which came to office in an election generally regarded as a clear-cut victory for the civil-rights program, belied the promises of both the Democratic and Republican 1948 platforms by failing to enact any major civil-rights measure. The civil-rights issue was no more than a political football." At the same time the outrageous attack on the appointment of Mrs. Anna M. Rosenberg as Assistant Secretary of Defense indicated how anti-Semites had begun to use the "anti-Communist" sentiment generated by the witch hunt for their own ends.

By 1951 the full impact of the witch hunt on the struggle for civil rights had become apparent. The murder of the Florida N. A. A. C. P. leader Harry Moore and his wife, the Cicero housing riot, and a succession of dynamite bombings in Miami designed to terrorize

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Negroes, Jews, and Catholics were a few of many symptoms of the increased tension. In 1951 at least 131 cases of police brutality involving members of minority groups were reported, and 33 Negroes were killed "while in the custody of the police." While the number of lynchings declined in the post-war years, the night-time dynamite bombings greatly increased. Thoughtful citizens could only conclude that the reason for the decrease in the lynching rate was that mobs no longer needed to lynch Negroes—the police killed them "by due process of law." "More disturbing than the resort to violence itself," reads the joint report of the two organizations for 1951, "was the apparent unwillingness or inability of organized government to deal with it. . . . This increasing spread of lawlessness and the use of brutality have consequences far beyond the struggle for civil rights. Human freedom is indivisible, and we cannot advance on one sector of the struggle while we retreat or are forced back in another. The social atmosphere of the past few years has been surcharged with political emotion and, too frequently, with panic."

In an attempt to identify the causes of the retrogression noted the same report states:

> The excesses of many of the loyalty investigations and the unreasonable character of much of the federal and state security legislation have intensified the tendency to identify support of unpopular or controversial causes with subversion. The blacklisting, official or otherwise, of persons suspected of unorthodox opinions or associations has had an intimidating effect. Opposition to segregation or discrimination has too frequently been cited as an indication of disloyalty or unreliability. Thus . . . many persons have refrained or withdrawn from active participation in or identification with the cause of civil rights.

The direct effect of the loyalty program on the struggle for civil rights is clearly shown in the accounts of loyalty hearings. For example, among the questions asked to determine loyalty have been these: "Did you ever write a letter to the Red Cross about the segregation of blood?" "Do your convictions about equal rights for all races and classes extend slightly beyond the normal feelings of the average individual?" One Loyalty Board member said: "Of course the fact that a person believes in racial equality doesn't prove that he's a Communist, but it certainly makes you look twice, doesn't it? You can't get away from the fact that racial equality is part of the Communist line." And members have asked: "Do you associate with Negroes? Do you invite Negroes to your home?"

This "fear of the smear" has today become a major deterrent to participation in committees concerned with cases involving civil rights. The knowledge that federal employees, despite civil-service status, have lost their jobs because they contributed to the Scottsboro defense fifteen years ago, has effectively paralyzed the impulse to make similar contributions today.

The "smear" has also a reverse application. When extreme left-wing elements have displayed an interest in a particular civil-rights case, liberals have shied away. On the other hand, when liberals have taken the initiative and organized a defense committee, they have frequently been so fastidious about their associates and so concerned with keeping their committees or picket lines "pure" that little else has been accomplished.

The consequences of this disgraceful internecine feuding have been tragic. Witness the outcome of the chief *causes célèbres* in the past half-dozen years: Willie McGee, the Martinsville seven, the Trenton six, the Groveland case, the Cicero riots, the Cairo bombings, and the murder of Harry Moore. In the Groveland and Moore cases, where the facts were especially shocking, the sponsorship of the protest was impeccable, but no national or international action of significant proportions has been organized after six months, and neither the state nor the federal government has announced any clue to the identity of the perpetrators of the Moore bombings.

THE failure to break through the divisive walls of prejudice and partisanship is not to be explained solely in terms of the sins and shortcomings of the leftists. Sooner or later the advocacy of civil rights was bound to reach a point where it ceased to be intellectually fashionable. Even now the struggle is being conducted on the assumption that full equality can be won for minorities without substantial changes in the political and economic status quo. But it is impossible to achieve fair employment practices without at the same time being seriously concerned about full employment. Nor can segregation be abolished in the public schools of the South without a great expansion of existing school facilities. Paradoxically, the so-called progress that has been made in civil rights has contributed to the impasse we now face. It is one thing to have brought about the admission of a few Negro students to a state-supported law school; but a new problem arises when we attempt to use this precedent to compel admission of Negro students on a non-segregated basis to the public graded schools of a state. The Clarendon County, South Carolina, decision is a case in point.

The present impasse in the struggle to enact a civil-rights program has become a source of acute embarrassment to those who conduct American foreign policy. Every act of racial violence undermines the prestige of the United States. Not only do our spokesmen at the United Nations find it difficult to offset the damage, but the same forces that block the civil-rights program in Congress intimidate those who protest before the U. N. Under the lash of McCarthyism many formerly militant American spokesmen now hesitate to support human-

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rights declarations in the Assembly which they formerly sponsored or initiated. At the same time the Administration has increasingly sought to use minority spokesmen—American Negroes, for example—to explain domestic Jim Crow practices and defend American racial policies. To the extent that minority representatives have cooperated in this endeavor, minority protest against discrimination has been weakened in the United States.

Since 1949 it has indeed become increasingly clear that the civil-rights program cannot be enacted as long as the witch hunt goes on. It is folly to think that any major civil-rights legislation can be enacted by a Congress that has approved the McCarran immigration act. On the other hand, the moment the demand for full civil equality begins to find expression in independent political action, the struggle for civil rights will become one with the struggle to maintain civil liberties. At this point the protagonists of civil rights will either be smeared as Reds or threatened with legal action as disturbers of the peace. For example, just as in Chicago the first indictments in the Cicero housing riots were returned not against the rioters but against those responsible for the presence of a Negro tenant in the project, so in Cairo, Illinois, the leaders of the movement to eliminate a Jim Crow school were indicted. That both indictments were later dismissed is of secondary importance.

Civil liberties and civil rights are not separable. One cannot be achieved while the other is denied. Indeed, the most important item on the agenda of organizations concerned with civil rights should now be to bring the witch hunt to a speedy end. This is not to say that in the field of civil rights token concessions will not be granted; they may in fact be granted as a means of dividing the forces which if united might terminate the witch hunt. But any concessions granted by the witch hunters will be subject to the implied condition that minority groups continue to talk about civil rights, not civil liberties, and agree to support the cold war.

In short, the witch hunt threatens to retard the movement for both civil rights and civil liberties for a long time unless there is early and widespread realization, particularly among minority groups, of the truth pointed out by Walter White, executive secretary of the N. A. A. C. P., and David Petergorsky, executive director of the American Jewish Congress, that "human freedom is indivisible."

The Public Schools Retreat from Freedom

BY GOODWIN WATSON

A PICTURE of what has happened to educational freedom in the period of general reaction since the death of President Roosevelt can best be seen in perspective. From the earliest days of public education communities have often made special demands on their teachers: church attendance, Sunday School teaching, celibacy, no dancing, no smoking, no card playing, no drinking, no cosmetics or bobbed hair. There have been epidemics of loyalty laws during or after each major war—1862-67, 1919-23, as well as since 1945. The depression decade, 1929-39, intensified both the criticism of our social order and the consequent curbs on such utterances. Almost every convention of teachers was then discussing issues which today would be regarded by even the leading academic organizations as dangerously subversive. But at the same time restraints and attacks on educational freedom were multiplying.

Attacks on schools, curbs on teachers, and purges of texts are an old story. But during the past half dozen years, as the social pendulum has swung to the right throughout the Western or "free" world, there have been five significant changes in the nature of the problem of preserving educational freedom.

1. *Established policy.*

The sporadic incidents of repression which occurred during the New Deal and earlier have become organized and accepted public policy. Restraints once limited to certain localities are now the law of the land.

The number of states with one or more laws designed to assure teacher "loyalty" and freedom from "subversive" tendencies has grown to thirty-three. Twenty-six now require "oaths," despite increasing evidence that such tests of orthodoxy are worthless as security measures. Massachusetts has required a loyalty oath since 1935; only three employees have refused to sign and they were all conscientious persons of undoubted loyalty. Opposition to the oath requirement at the University of California was headed by Edward Tolman, a psychologist of unimpeachable character and patriotism who well merited the honorary degree Yale gave him in recognition of his leadership in the cause of freedom.

Maryland's Ober law, enacted in 1949, is one of the

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most sweeping efforts to curb "subversives": to become or to remain a member of a subversive organization is a felony; the public schools must bar from employment anyone who "aids, . . . advises, or teaches by any means any person . . . to overthrow, destroy, or alter . . . the constitutional form of the Government of the United States or of the State of Maryland . . . by revolution, force, or violence, or who is a member of a subversive organization." Pennsylvania's Pechan act, like the Ober law, requires that all public employees sign an oath. Here again the few "screened" by the oath test turned out to be highly valued and respected public servants.

The Feinberg law enacted in New York calls upon the Regents to promulgate a list of subversive organizations and requires dismissal of any teacher who belongs to them. When the Supreme Court sustained this law in February, 1952, John O'Donnell exultingly proclaimed in his column in the New York *Daily News*, "Guilt by association is now the law of the land." In his dissenting minority report Justice Douglas warned: "The law inevitably turns the school system into a spying project. . . . The principals become detectives; the students, the parents, the community become informers. . . . It produces standardized thought, not the pursuit of truth."

Even before the Feinberg law was upheld, New York's Superintendent of Schools William Jansen had used his power to remove teachers for "misbehavior and unfitness" and to suspend on charge of "insubordination" and "conduct unbecoming a teacher" those who resisted his inquiries into their past political affiliations, their attendance at meetings, their contributions, their friends, and their libraries. Teachers with a record of many years of excellent service were removed by procedures which offered few legal safeguards for the suspects and were unrelated to anything they were alleged to have said or done in the classroom or with their students. Similar actions have been reported from Philadelphia; Silver Spring and Chevy Chase, Maryland; Arlington, Virginia; Honolulu, T. H., and other cities.

What has been the effect of bans against Communists upon the freedom of non-Communist teachers? This is a critical question with far-reaching implications. One faction holds that successful attacks on Communists encourage reactionaries to make more vigorous attacks upon the next group: "fellow-travelers," "Socialists," "pinks," "progressives," "New Dealers," "liberals," and finally anyone who opposes McCarthyism. Another holds that once the real (*i.e.*, "Commie") subversives are ousted, a better and stronger defense can be made for the freedom of the remaining teachers. The course of events seems to support the first thesis. The battle to remove the tiny number of Communist teachers has been pretty well won but the furor is not subsiding. The post-war witch hunt is seeking more victims. Eleanor Dushane was suspended in Buffalo (later reinstated by court action) on charges the gravest of which was announcing to her class a lecture by Max Lerner. Mobs demonstrated in Gregg Township, Indiana, against School Principal William Lewis and forced him out of his job, although his refusal to salute the flag (he stood at attention while pupils saluted) stemmed not from communism but from his religious beliefs. The two teachers, Eugene Leroy Mercer, Jr., and Paul W. Goulding, dropped on April 1, 1952, for refusal to sign the Pennsylvania oath were Quakers and neither had been charged with any Communist connections. None of the Pasadena board members who fired Superintendent Willard Goslin really believed that he was then or had ever been a member of the Communist Party or any other group committed to violent overthrow of the government. Frederick G. Cartwright's attempt to fire five Englewood teachers was not based on evidence that these teachers were or had been party members. Similar attacks in Port Washington, New York; San Angelo, Texas; Ferndale, Michigan; Montgomery County, Maryland; Arlington, Virginia; and Denver, Colorado, were aimed not at Communists but at persons vaguely called "subversive."

John T. Flynn's tirade in the *Reader's Digest* attacked educators who have been as vehemently anti-Communist as he is. When the National Society of Sons of the American Revolution declares that "subversive textbooks are in general use in the public schools of most of the states," it does not mean that these books are instruments of the Communist Party; it means only that its spokesman finds passages which he considers radical. Dr. Corliss Lamont reported recently (New York *Times*, April

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6, 1952) that a twelve-year-old girl had been reprimanded by her teacher for quoting in her paper on American foreign policy a statement by that famous old subversive Herbert Hoover. The evidence that present curbs spread beyond the debatable "Communist" issue is overwhelming.

2. *Subsidized attacks.*

A second development of the past seven years has been increasingly effective organization of the forces opposed to freedom in education. In an unusual Publisher's Introduction to "This Happened in Pasadena," a spokesman for the Macmillan Company writes: "It is a fact that certain forces, vicious, well-organized, and coldly calculating, would like to change the face of education in the United States." The best-known is the National Council for American Education, run by Allen A. Zoll, who claimed a "large part" in engineering the ousting of Pasadena's very competent school superintendent, Goslin, and referred to "the millions of pieces of literature we have sent out during the past two and a half years to tens of thousands of molders of public opinion."

Zoll's N. C. A. E. is not alone in its efforts. One also finds the Guardians of American Education, Inc.; the Institute for Public Service; the Committee on Education of the Conference of Small Business Organizations (their publication is Mrs. Lucille Cardin Crain's *Educational Reviewer*); the American Education Association, headed by Milo F. McDonald; the Committee for Constitutional Government, founded by Frank E. Gannett and led by Edward A. Rumely; the American Parents Committee on Education, headed by Merwin K. Hart; the Church League of America, run by George Washington Robnett; the Constitutional Educational League, piloted by Joseph P. Kamp, who edited the pro-Nazi *Awakener*; the Employers' Association of Chicago, with Gordon L. Hosteller as executive vice-president; the Foundation for Economic Education; the Friends of the Public Schools of America, Inc., under retired Major General Amos A. Fries; the National Association of Pro-America; the Coordinating Committee to Oppose the New Methods of Progressive Education; and, of course, such groups as the American Legion's Committee on Evaluation of Instructional Materials. In addition there are numerous local groups.

A slick scheme has been evolved which usually works like a charm. A local committee is formed, with prominent names to screen the actual agitator. The starting point is any dissatisfaction with the schools, and there is always plenty to be found. Taxpayer organizations want costs cut down. "Americanism" committees want texts and teachers purged. Clergymen deplore the "godless" curricula. Employers complain that pupils can't spell, are disrespectful, or don't work hard enough. Any

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innovation in the school program, redistricting to meet population shifts, "social studies," sex education, intercultural education, delayed beginning reading, or study of the United Nations may be played up as an indication that old-fashioned virtues have been lost. Local newspapers seize on the charges and countercharges, for controversy makes news. Leading citizens make statements and pressure groups are enlisted. Those who defend a modern school program are linked with atheistic comunism. Too often the school administration, seeking to restore harmony at any price, accepts the dictatorship of the obstreperous minority.

3. *Self-censorship.*

The third change—increased *precaution* against any possible charge of subversion—is a consequence of the growing prestige and power of the witch-hunters.

A Colorado teacher was advised to discontinue a study of the Mexican laborers in beet-sugar fields as "too controversial." A home-economics teacher concluded that a project in which pupils had tested certain advertised brands of household appliances would be criticized by business men and should be dropped. An English teacher found it wise to remove John Steinbeck's books from the literature course. A biology teacher was forbidden by his principal to continue use of the film "Human Growth." A Kansas teacher reports that he interprets the state oath to mean that "a teacher must be thoroughly sold on the American system of free enterprise" and must not support rent control or price control.

While there still are numerous reports of texts being banned—Frank A. Magruder's classic, "American Government," for example, has been dropped by Houston, Texas, and all Georgia schools—the repressive action now affects the stage at which books are being prepared. Publishers take few chances. An editor reported to the United States Conference on UNESCO in 1952 that D. C. Heath has been requested by one school board to omit from its textbooks any reference to the United Nations Declaration of Human Rights. Manuscripts intended for school texts now must be censored in advance of publication by the same type of mind which continues to ban *The Nation* from New York and Newark school libraries. Speakers proposed for school conventions are checked against "Red" indices and only the "safe" ones are invited. Hence a row such as that raised by trustees over Professor Harold Rugg's speech at Ohio State University, or the controversy caused when Red Bank, New Jersey, canceled its invitation to Professor Theodore Brameld, or when the Englewood, New Jersey, Board of Education barred Mary McLeod Bethune, occurs only when the precautionary process has failed.

4. *Faint-hearted defense.*

A fourth feature of the present predicament is the pusillanimity of the fight for educational freedom.

Earlier attacks upon educational freedom aroused vigorous and often successful opposition. Seven states introduced an oath of allegiance for teachers during the Civil War period, but in five of the seven, counter-attacks led to repeal. The Lusk laws in New York after World War I were met by a fight which forced their repeal within two years. The "Little Red Rider" in the District of Columbia was thrown out after two years. Ohio's 1919 oath was wiped off the books in 1935.

Valiant struggles for educational freedom still are reported from a few communities—Scarsdale's embattled citizens, strengthened by a remarkable local newspaper, refused to bow to demands from its one-man "Committee of Ten"—but instances of successful resistance are not too numerous. Frequently an effort is made to keep some measure of enlightened education by throwing to the wolves the most contested part of the program—a teacher workshop, a guidance program, a controversial book, or any effort at objective study of Soviet Russia.

When, in 1949, the House of Representatives Committee on Un-American Activities sent to colleges and state education boards questionnaires asking for lists of textbooks, a number of colleges raised a rumpus, but the public-school officials quickly complied. When the N. E. A. Committee on Tenure and Academic Freedom recently polled its 400 advisory members (especially selected because of their concern with educational freedom) only 168 replied, and of these only 3 per cent believed teachers should have more freedom.

When charges of dangerous ideas arise they are no longer met by the answer that in a democracy we are not afraid to examine all sides of controversial issues. The standard defense is now one which accepts the totalitarian assumptions of the witch-hunters and merely insists that no deviant ideas are to be found in the local texts or teachers. This is surrender without a struggle.

5. *Religious controls.*

A fifth feature of the present disturbed scene is the growing influence of religion in public education. Between 1926 and 1950 the proportion of church members in the population of the United States rose from 46 per cent to 57 per cent, a change which tips the scales noticeably. Parochial schools are expanding. The pressure to bar *The Nation* from the public schools arose because it published Paul Blanshard's criticisms of the social and political activities of the Roman Catholic church. In January, 1948, the New York City schools banned Dr. Bernhard J. Stern, a lecturer in sociology at Columbia University, from conducting one session in a workshop in Intercultural Education designed as in-service training for teachers. The official explanation was that long before, in a pamphlet no longer in print, Dr. Stern had been critical of established churches.

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In 1951-52 the Board of Regents of the State of New York drew up a prayer to be used along with the pledge of allegiance to the flag. One regent stated that the prayer was to be "only a beginning." The Supreme Court, asked to rule on a New Jersey law requiring Bible reading and the Lord's Prayer, evaded the issue by a most significant ruling (March, 1952) that since the petitioners did not show tangible damage, such as loss of money or property, but claimed merely a violation of spiritual values, rights, and freedom, they had not established a sufficient degree of interest in the case to warrant their suit.

On January 20, 1952, Principal James P. McGeough of East High School, Pawtucket, Rhode Island, suspended one of the student clubs which called itself the UNESCO Thinkers. His reason? A charge by a Catholic paper that UNESCO is "under atheistic control." He was congratulated by the local school committee, the Pawtucket D. A. R., and the *Visitor,* organ of the Roman Catholic diocese of Rhode Island. Another school administrator objected when the dramatics club planned to present Arnold Bennett's "The Great Adventure," in which two young parsons appear as somewhat humorous characters. "It would never do, even in a friendly way, to ridicule members of the clergy," he said. The play was rewritten to make the humorous characters teachers!

The retreat is not yet a rout. Despite the general acceptance of loyalty oaths, a handful of University of California professors made a stand which has heartened other teachers. The Scarsdale citizens still hold their Thermopylae. Dean Ernest O. Melby of New York University's School of Education has warned that free education "may be destroyed by noisy super-patriots." The Citizenship Education Project conducted at Teachers College, Columbia University, is encouraging high-school pupils to study and to practice democratic citizenship. The National Citizens' Commission for the Public Schools, headed by Roy E. Larsen of Time, Inc., has encouraged local groups of business men to give increased study and support to the public schools, with results still not wholly clear.

The present social context, however, makes the prognosis for the current plague of repression less favorable than it would have been in 1870 or 1920. We now live in an economy which extricated itself from its worst depression only by defense and war expenditures and which depends upon these for continued equilibrium. Our world is pervaded by tension between two great powers, each of which strives to insulate its public from the influence of the other. Sc many atomic bombs are now ready that even the careful, peaceful obliteration of them would imperil human health on a global scale. The financial burdens in prospect may prove too heavy even for a wealthy nation. Neither insecure rulers nor an anxious public is likely to be tolerant of free minds.

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Academic Freedom and American Society

BY H. H. WILSON

OF ALL the civil liberties currently under attack, perhaps the one most seriously threatened is academic freedom. It is important, first of all, to recognize that this latest challenge to the universities cannot be dismissed as merely the most recent manifestation of the anti-intellectual tradition. Nor is it primarily aimed at campus Communists and radicals. It is directed, rather, at academic freedom itself: the right to free inquiry and discussion in the classroom. It demands from the schools not inquiry, but suppression, not discussion but distortion, not, in short, teaching but indoctrination. And it will be satisfied, not when the last Communist is exiled from the schools, but when the last honest seeker after truth is driven out of education.

Unfortunately, however, the cries of the professional school-baiters have spread doubt and confusion among citizens. Many today question the basic tenets of education and the essential functions of teachers. Some seriously wonder whether their offspring should be permitted to spend four impressionable years in the clutches of a university. It may be useful, therefore, to set forth the root principles and assumptions of academic freedom and to examine the threat to our schools.

Few teachers, of course, would argue that freedom to teach, to paraphrase Justice Holmes, is the freedom to shout "Fire!" in a crowded classroom, but beyond that extreme and necessary limit of all freedom, freedom to teach is restrained only by the obligation to search for truth. That obligation, in turn, requires full freedom of discussion in the classroom. The teacher is also entitled to full freedom in research and in the publication of results. The student, at the same time, is entitled to freedom to learn, including the opportunity to read any book and listen to any speaker. Moreover, since both teachers and students are citizens, they enjoy the same rights and have the same obligations as other citizens when they speak, write, and participate as citizens. Finally, the rights and obligations of the teacher suggest that the only legitimate basis for judging him is his performance as an individual and as a teacher. If there is any other test, if, in the words of Robert Hutchins, "we once let go of the Constitution and the law as marking out the area in which a professor is free to operate as a citizen, and of the ability to think independently as establishing the standard he must meet as a scholar, we are lost."

We are similarly lost, Hutchins warns, if we abandon the principle of academic tenure, essentially a device to insure the teacher's role in society. There can be no freedom to teach if thinking is subject to the control of alumni, presidents, trustees, regents, or the public. Thus, after a probationary period teachers should have permanent tenure, with service terminated only for adequate cause and after proper hearing by fellow-teachers. No one denies that mistakes may be made, that some individuals may be falsely accused of the ability or the desire to think. Faculties, however, are better judges of teaching competence than administrators, politicians, or pressure groups.

But teachers are not the only people who have a vested interest in academic freedom and tenure. Society as a whole benefits when the university can provide it with the results of research, discussion, and thinking in all the areas—physical, philosophical, social—that impinge upon human behavior. Primarily, the university "is a center of independent thought," and "a university faculty is a group set apart to think independently and to help other people to learn to do so." On this assumption, society is not well served unless it receives from the teacher an honest report of his findings, based on careful analysis. To the extent that his findings reflect pressure from other men or organizations, or are influenced by the prevailing climate of opinion, society is cheated and weakened. And a society so betrayed, a society in which men cannot or will not think for themselves, is a society that will perish.

By hard experience acquired over hundreds of years we have learned that only under conditions of complete freedom, including economic security for the teacher, can the university perform its social function. Thanks to the Neanderthals of our age, it needs to be reemphasized that academic freedom is not a luxury, not a special privilege for an academic élite, and not a selfish interest of the teacher or university. Rather, academic freedom is an indispensable requirement of a healthy society. Without it society will cease to benefit from new discovery, and the university will cease to function as an educational institution. Finally, since education is absolutely vital to good citizenship in a democracy, to attack education is ultimately to attack and undermine democracy itself.

The attackers assert that the colleges harbor a sub-

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versive threat to our institutions, but it should be apparent to all honest observers that the universities are not usually staffed by radicals, innovators, and pioneer thinkers. In fact, more typically the universities, especially in the social sciences, have lagged behind events, and have been chiefly concerned to describe and justify, not analyze and suggest. Indeed, the ordinary pressures from within and without faculties are effective enough in discouraging fresh thinking, proposals, and hypotheses about the nature of society. Characteristically, we have no new ideas—or few that can safely be presented—about wars and depressions, but are surfeited with innovations in treating tropical diseases and splitting the atom. These discoveries are not unimportant, but equal attention should be paid to the social sphere. The danger is not that academic freedom may lead to some questioning of the verities but that teachers will fail to utilize academic freedom to the fullest extent in the posing of challenging analyses of vital problems.

WHEN it comes to the point, many of us do not really believe in education, although as a nation we have placed great emphasis on something we call "education." Thus parents, in general, do not want their offspring educated; they want them trained, or housebroken. Students, in general, do not want an education; they want to acquire salable skills and/or degrees. The majority of teachers do not want to arouse anxiety in either students or parents; they want to survive, and, too often, survival limits the horizons of knowledge from graduate school to emeritus retirement.

As a graduate student the would-be teacher is almost totally dependent on the judgments of his professors, judgments which are too frequently entirely subjective. Then follows the long period of economic insecurity, punctuated by decisions of senior colleagues, which, again, may be subjective. By the time the gantlet has been run, the average teacher has lost the drive and incentive to be even remotely interested in challenging the status quo, and has probably been beaten out of the urge to do creative thinking and research. Geniuses there are, but as Robert Hutchins has noted, they "have had a hard time as professors in America." Most teachers, writes Max Lerner, have lacked "not the freedom to say something, but something to say. . . . The safe course is to be either noncommittal or else the over-emphatic champion of the possessing groups." Thus the whole process constitutes a kind of natural selection by which the safe, the timid, the orthodox—or the indifferent—survive.

Perhaps the most effective device for enforcing orthodoxy and discouraging creativity among teachers is the pressure from colleagues. The casual phrase, "He is unsound," or "He is not scholarly," is often the most powerful and insidious challenge the young teacher has

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to face. As put most delicately by one university president, "the coercion of sound judgment within the university faculty will always be a corrective influence upon the immature scholar who is inclined to accept untested findings and half-truths." "Coercion" is, indeed, the precise term to use.

Finally, our whole educational system, especially the secondary-school aspect, is only secondarily an institution for encouraging independent thought and for helping students learn to think. Partly because it has been regarded as "America's magic" and open to all, American education has been primarily a social device, a way of stamping "Made in America" on a diverse people, and a means for housebreaking the young. Consequently, it is extremely vulnerable to pressure from those who believe in indoctrination.

BERNARD DE VOTO once classified those opposed to academic freedom as the simple-minded nincompoops and the very clear-minded illegitimates. A third element should be added: an indifferent public composed of those who fail to understand the nature of the educational process and its relation to other essential characteristics of a democratic society. This public failure to understand the nature of education and the function of the university has strengthened the hands of the very clear-minded illegitimates who seek to subvert education for their own ends.

Let us not delude ourselves. Those who are conducting the campaigns today against our schools and colleges are not misguided. They know perfectly well what their goal is: to make a mockery of the democratic process. Specifically, I refer to: (1) Senators McCarran and McCarthy; (2) the (Illinois) Broyles committee; (3) the (Washington) Canwell committee; (4) the *Educational Reviewer,* edited by Lucille Cardin Crain for the Conference of Small Business Organizations; (5) the National Council for American Education, Allen A. Zoll; (6) the Church League of America, George Washington Robnett; (7) William F. Buckley, Jr., "God and Man at Yale"; (8) all others who adopt the techniques of censorship, repression, and thought conformity for the solution of contemporary problems in public education and elsewhere.

Let's face it: these individuals and groups do not believe in education but, as revealed by their literature and public statements, in indoctrination. Convinced that *they* have *the* truth, their disagreement with our schools and colleges is simply that these institutions do not indoctrinate and propagandize their truth. Although they think that colleges are centers of indoctrination, they do not really object to that. They intend to make certain that it is their particular credo that is indoctrinated. Using words like "freedom" and "individualism," but fundamentally authoritarian and anti-democratic, they

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have a contemptuous attitude toward human beings and human intelligence. Believing that students are like the children of Hamelin, ready to follow the first Pied Piper who comes along, they are determined to pick the Pied Pipers. And if they succeed, they will force on all of us their corrupt methods and warped values.

We are much concerned today about corruption in Washington and elsewhere, but the really significant corruption in American society is not evidenced by gifts of deep freezes or vacation trips, nor even symbolized by the sacrificial slaughter of innocent mink. The really significant corruption in America is our willingness to pervert both our institutions and our ideals, and to disbelieve in ourselves, in one another, and in the democratic process. In this time of crisis, as the normal pressures in a conservative society are intensified by the cold war, the primitive elements among us seek to capitalize on our individual corruption by manipulating terror, apathy, and distrust. Today they demand control of the schools; tomorrow they will accept nothing less than total power.

THE present international tension makes us dramatically aware of the struggle between nations, but within all societies power is moving from ruling groups to new contenders, and those who wield dominant power are mobilizing for a last-ditch stand against any challenger. It is against this background that the whole issue of academic freedom must be considered. The pressure on the schools from those who would turn us into a nation of mutes and neuters has already produced student apathy toward any kind of political action and a reluctance to write papers on controversial subjects.

No wonder *Time* can report that "the most startling fact about the younger generation is its silence"; that intellectually our young people are "a bit stodgy . . . mild, and safe," that they "seem to have no militant beliefs. They do not speak out for anything." The report concludes: "Many students and teachers blame this lack of conviction on fear—the fear of being tagged 'subversive.' Today's generation, either through fear, passivity, or conviction, is ready to conform."

An even more serious state of affairs is revealed by the recent Purdue Opinion Panel Poll of 3,000 students carefully selected from 15,000 high-school respondents in all parts of the United States. The poll showed that 49 per cent believe that large masses of the people are incapable of determining what is and what is not good for them—a massive rejection of the theory of democratic government; 75 per cent state that obedience and respect for authority are the most important virtues that children should learn; 42 per cent believe that we should firmly resist any attempts to change the American way of life; and 58 per cent agree that police may be justified in giving a man the "third degree" to make him talk.

Clearly, 100 per cent American, native-born authoritarianism is already far advanced. It is no figment of Orwell's imagination that we are becoming, as a nation, a "captive audience," slaves of the demigods and demagogues of the status quo. As John Jay Chapman said, "An age of corruption destroys faith. This is the essential injury. This is the disease."

Style Note: The Campus Strait-Jacket

BY KALMAN SEIGEL

AMERICAN education, often a target of attack, is now facing perhaps its most serious onslaught of intellectual vigilantism. The campaign is being waged on every educational level, and its deleterious effects have made themselves felt not only among teachers and students but in the wider arena of the community. Its net cumulative effect is a mood of fear and distrust in college faculties that has inevitably filtered down to the undergraduates, narrowing their traditionally unlimited area of thought and inquiry. Yet nowhere is it more important, as Dr. Alvin Eurich, former president of the University of the State of New York, has said, "to cherish and protect freedom of inquiry, thought, and speech than on college campuses—the training grounds for some 2,500,000 future citizens who must understand the values and responsibilities of democracy."

The present attack is not a new phenomenon, nor is it much different from the general pattern of conformity that is being forced upon the motion-picture industry, the stage, radio, and television. It has been gaining impetus in the last five years, fed by an unwholesome fear of subversion that assumes that ignorance of an idea is the best protection against it.

The current press makes gloomy reading as it details case after case of interference and pressure from political or super-patriotic groups organized as "citizens' committees." This meddling by special-interest groups—their

KALMAN SEIGEL, a New York reporter, won the George Polk Memorial Prize (for education reporting) for a series of articles in 1951 based on a survey of freedom of thought and speech on seventy-two major college campuses.

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sudden concern for education cannot be called anything but meddling by design—has made teachers and students unwilling to discuss in the classroom such controversial topics as separation of church and state, communism, and race relations.

In some instances this intellectual timidity is nothing tangible; in others it is more definite. Discussions with students leaders, teachers, and administrators—part of a survey of seventy-two major colleges made in 1951—disclosed that among students this trend toward self-censorship and caution largely took these forms:

1. A reluctance to speak out on controversial issues in and out of class.
2. A reluctance to handle currently unpopular concepts even in classroom work.
3. An unwillingness to join student political clubs.
4. Neglect of humanitarian causes because they may be suspect in the minds of politically unsophisticated officials.
5. An emphasis on lack of affiliation.
6. An unusual amount of serio-comic joking about this or that official investigating committee "getting you."
7. A shying away, both physically and intellectually, from association with the words "liberal," "peace," "freedom," and from classmates with progressive ideas.
8. A concentration on college problems to the exclusion of broader current questions.

While some students say they feel no constraint about speaking out on controversial subjects, many of them privately admit hesitation to "sound off" and are cautious about what they say and where they say it. Among students who plan careers in government or engineering there has been a general avoidance of controversy because of investigations and loyalty checks. One student editor reported that agents of the FBI were constantly inquiring about students who apply for government jobs, and that some graduate schools with government-classified projects were extremely leery of accepting students who had advocated "unpopular" ideas. The result has been sufficiently marked to bring from Justice William O. Douglas the accusation that youth is "holding its tongue" and sitting out the revolt against orthodoxy.

SINCE independence of mind is essential to students in a free society, the growing conformity and the limitation of the areas in which ideas can find free expression are negating the business of a university, which educators maintain is education by differences of opinion. Students are playing it safe because instructors are doing likewise. "The willingness of instructors to express their own honest viewpoint," to quote from one undergraduate paper, "has been slowly ebbing. Evidence in support of this statement cannot be given in black and white. It can only be felt in the classroom." "Girls are becoming afraid to advocate the humanitarian point of view," writes Dean Millicent C. McIntosh of Barnard College, "because it has been associated with communism. The most fearless will not be influenced, but the middle group is made to feel the confusion and fear involved in the 'obscurantism' that is McCarthyism." The Barnard placement director reports that "liberal" is a "poisonous word" to many would-be employers, who regard the "liberal girl" as an "obstructionist" and "organizer against employer interests."

The narrowed areas of free discussion and inquiry, with their characteristic moral equivocation, are an outgrowth of the developing cold war during the past five years—a half-decade in which demands that teachers sign loyalty oaths, the screening of speakers, visiting scholars, and graduate students, and the banning of critical texts grew at an alarming rate. The wariness and apathy are not solely the product of the current "hysteria," or as a majority of students and faculty put it, "the pressures generated by Senator Joseph McCarthy of Wisconsin." This is an important factor, but much of the wariness and apathy stems from the "times"—the imminence of the draft, the fear and uncertainty in national life, and a fatalistic conviction that little can be done on the campus to affect international developments.

The pattern of the attack on American education today is quite different from that directed against American schools, teachers, and students twenty-five or fifty years ago. The present assault is national in scope, uniform in procedure, and apparently initiated by a few powerful groups. Earlier in the century the attacks

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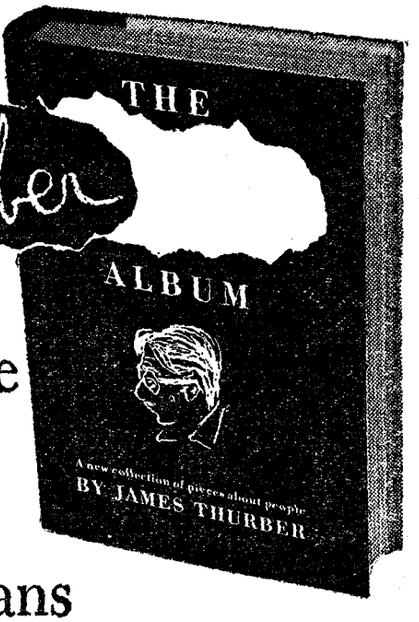
The word thurber takes its place in the language – and this is what it means



ONCE there was no such word as sandwich. Until the Earl of Sandwich had the wonderful idea of putting some fine morsel between two pieces of bread. Once there was no such word as thurber, until Mr. James Thurber thought of a wonderful way of writing that is humorous and wise and beautiful and—well, in a word, thurber. His new book, THE THURBER ALBUM, is the first big thurber book in three years. The definitions we have underlined in the reviews that follow will give you some idea of what the new word means:

THE NEW YORK TIMES: "The gravely quiet prose becomes as unexpectedly conquering as a second vodka martini or maybe a third. Somewhere, some time, some person is sure to say of this book 'Thurber has done it again.' So, let's say it now and get it over with."

NEW YORK HERALD TRIBUNE: "A picture gallery of American characters that will fill those of us who are as old as the century with nostalgic happiness and will charm the very young as tales of some far off, fantastic, utterly delightful world. Everything he mentions I recognize instantly, not by its contours or its setting, but by the touch of the uncanny, the blatant impossibility, and the wild humor that informs it all."

CHICAGO SUN TIMES: "What a joy it is to greet this new collection by wonderful James Thurber, to savor mellow memories of his boyhood and young manhood. All is told in Thurber's individual way, with tender wit. Thurber at his nostalgic best is one of the delights of our time, and this is Thurber at his nostalgic best."

ST. LOUIS POST DISPATCH: "What gives his subjects the appearance of uniqueness is not the result of imaginative retouching but of his ability to detect the freshness and uniqueness of personality in everybody he meets."

THE SATURDAY REVIEW: "Mr. Thurber, more than any writer I know of, living or dead, is able to pass within a single sentence from reality to unreality, from nonsense to the sublime. He does it by a combination of osmosis and lateral passes. A straight line through this *Album* is about the pleasantest journey I have made in a long, long time."

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were isolated, unorganized, and directed against individuals rather than the educational system.

In another area of the war against education community pressures have affected the teaching of current affairs in a large number of American communities. A survey of the nation's schools during the 1948-49 school year by three New York City school teachers under fellowships established by the New York *Times* and the Board of Education showed that community pressures made teachers of current events tend to deal only with "safe" subjects, prevented students from getting varied sources of information, and discouraged pupils from participating in community affairs.

The abridgment of student editorial freedom by colleges and non-academic authorities has grown in recent years, with a corresponding increase in instances of political censorship. The Harvard *Crimson* survey of 1951 gave eleven examples of censure of college editors in the 1950-51 school year alone. In the school year ending this month the *Crimson* found fifty-three cases of violation of academic freedom in twenty-five of the nation's colleges. Another recent development has been the extension of control over what can be heard and read outside the classroom; almost every college campus has had its case of a banned visiting speaker. As Matthew Josephson points out in his article on page 619, the self-appointed pressure groups have also stepped up their drive against alleged subversive material in textbooks.

The end is not yet in sight. But a growing awareness of the danger is now manifest, and protests coupled with pleas for rededication to the ideals of free discussion are gaining in volume and intensity. The admirable statement of the Board of Trustees of Sarah Lawrence College in rejecting the demands of certain pressure groups is a case in point. Another is the action of students on the campus of the University of Buffalo who organized, managed, and financed an all-day conference on civil liberties. Many similar instances might be cited. Prominent members of the educational community have spoken out boldly against attempts at repression, even if not all have been able to match their words with deeds.

American education will lose the vigor and independence that have distinguished it from most foreign educational systems if the present trend to conformity is not halted. Judge Learned Hand's warning makes sense today: "Our dangers, as it seems to me, are not from the outrageous but from the conforming; not from those who rarely and under the lurid glare of obloquy upset our moral complaisance or shock us with their unaccustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers."

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3. Don't let your wife join anything, either.
4. Don't get involved in foreign-affairs questions at all if you can help it. If you can't help it, back the Monroe Doctrine and the Open Door Policy and be against communism.
5. If you must have political convictions about foreign-policy questions—which is not recommended—make very sure that the President sends your nomination to Capitol Hill at a time when your convictions are popular.
6. Be suspicious of the British. And if you know what they're up to today in northern Rhodesia, all the better.
7. Don't write books.
8. Master various clichés that are popular on Capitol Hill, including the following:

   a. I am for adequate defense, but we must not spend ourselves into bankruptcy.
   b. I am for helping other countries, but they must first prove that they are helping themselves.
   c. America cannot defend the whole world.
   d. Communism is merely socialism in a hurry, and I hate both from the depths of my soul.
   e. I am not and have never been a Communist or a member of any Communist front organization.

9. If possible, be Irish. This pleases Senator Pat McCarran, Democrat, of Nevada.
10. Keep up with the Senate's favorites. A word of praise on your behalf by Bernard M. Baruch, for example, is worth maybe forty votes. Similarly, if you have any friends who are unpopular on Capitol Hill, abandon them, or, better, denounce them publicly.
11. Glorify the days when we had no entangling alliances. This proves you are a "sound fellow," longing for the happy sunlit past.
12. Stay out of the Far East. If you go there, you will be expected to have views on it, and somebody is bound to disagree with any views you have. Ignorance about it, however, is no disqualification.
13. If possible have at least one reformed Communist testify on your behalf, preferably Louis Budenz, former editor of the *Daily Worker*.
14. Never accept any invitation to any off-the-record meeting at the State Department without finding out first whether Harold Stassen is to be there.—*From a story by James Reston, New York* Times, *October 19, 1951.*

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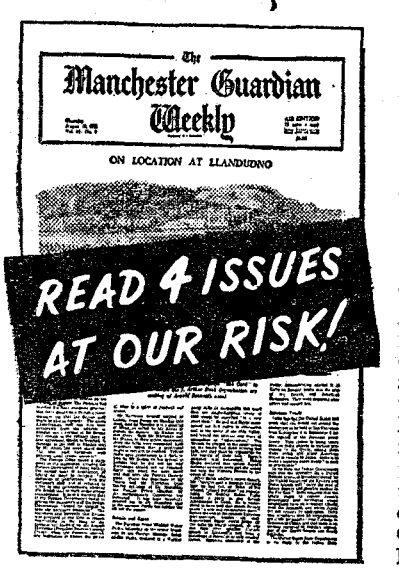

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Civil Liberties Reading List

A Check-List of Books Published Since January, 1950

THE TENNEY COMMITTEE. Legislative Investigation of Subversive Activities in California. Cornell University Press. $5.

THE LOYALTY OF FREE MEN. By Alan Barth. Viking. $3.

THE FEAR OF FREEDOM. By Francis Biddle. Doubleday. $3.

CIVIL RIGHTS IN AMERICA. Edited by Robert K. Carr. The American Academy of Political and Social Science, Philadelphia.

DOCUMENTS ON FUNDAMENTAL HUMAN RIGHTS. Edited by Zechariah Chafee, Jr. Harvard. Pamphlet 1, $3. Pamphlet 2, $4.

LOYALTY AND LEGISLATIVE ACTION. A survey of Activity by the New York State Legislature, 1919-1949. By Lawrence H. Chamberlain. Cornell. $4.

CIVIL LIBERTIES UNDER ATTACK. By Henry Steele Commager, Robert K. Carr, Zechariah Chafee, Jr., Walter Gellhorn, Curtis Bok, and James P. Baxter III. Pennsylvania. $3.50.

UN-AMERICAN ACTIVITIES IN THE STATE OF WASHINGTON. The Work of the Canwell Committee. By Vern Countryman. Cornell. $5.

CHARACTER ASSASSINATION. By Jerome Davis. Philosophical Library. $3.

THE TROUBLE-MAKERS. An Anti-Defamation League Report. By Arnold Forster and Benjamin H. Epstein. Doubleday. $3.50.

SECURITY, LOYALTY, AND SCIENCE. By Walter Gellhorn. Cornell. $3.

THE SPIRIT OF LIBERTY. Papers and Addresses of Learned Hand. Collected, and with an Introduction and Notes, by Irving Dilliard. Knopf. $3.50.

THE INVESTIGATING POWERS OF CONGRESS. Compiled by Julia E. Johnsen. The Reference Shelf. Vol. 22, No. 6. H. W. Wilson. $1.75.

THE LEGACY OF SACCO AND VANZETTI. By G. Louis Joughlin and Edmund M. Morgan. Harcourt, Brace. $6.

CONFLICT OF LOYALTIES. Edited by R. M. MacIver. Published by the Institute for Religious and Social Studies. Distributed by Harper. $2.

WITCH HUNT: THE REVIVAL OF HERESY. By Carey McWilliams. Little, Brown. $3.50.

CRISIS IN FREEDOM: THE ALIEN AND SEDITION ACTS. By John C. Miller. Atlantic Monthly Press Book. Little, Brown. $3.50.

THE JUDGES AND THE JUDGED. By Merle Miller. Foreword by Robert E. Sherwood. Doubleday. $2.50.

CIVIL RIGHTS IN THE UNITED STATES. By Alison Reppy. Central Book Company. $4.50.

FREEDOM AND CULTURE. Compiled by UNESCO. Introduction by Julian Huxley. Columbia University. $3.75.

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HOW FREE IS *YOUR* TOWN?

[*With the cooperation of the national office of the American Civil Liberties Union,* The Nation *asked the various state and local correspondents of that organization to send in short reports on the state of civil liberties in their communities. We have selected the following replies for publication here, and shall hope to print others later.*—THE EDITORS.]

Pittsburgh

THE present-day search for security against subversion has resulted in the loss of "bread and butter" security for many American citizens in the Pittsburgh area. Alleged Communists have been dismissed from their positions without regard for actual security interests. From day laborers in government service to violinists in the Pittsburgh Symphony, suspected Communists have felt the economic repercussions of the spirit of the times.

This attitude extends to non-Communist individuals with liberal or nonconformist political beliefs. Personnel managers of large industrial concerns, for the most part politically unsophisticated and unable or unwilling to distinguish between Communists and liberals, tend to avoid trouble by denying employment to all whose ideas do not fall into the prevailing political pattern —particularly in the field of scientific research. Especially suspect are members of minority groups, including Negroes, Jews, and persons of Russian or Southern European background.

Only occasionally is it possible to protect the jobs of those who are attacked for their liberal beliefs. Last year a successful fight was made to reinstate in her position as an Assistant District Attorney Mrs. Marjorie Matson, the local representative of the non-Communist American Civil Liberties Union, who had been forced to take a leave of absence as a result of a charge of "Communist tendencies" brought against her by the then Attorney General of Pennsylvania, Charles J. Margiotti.

The economic pressure for political orthodoxy has further expressed itself in the almost universal acceptance, by school teachers and government employees, of the loyalty oath required under a 1951 statute. Not one case of refusal to take the oath has occurred in the Pittsburgh District.

As the spirit of conformity has spread, liberal organizations have, for the most part, lost their backbone. Nowadays, even when a clear-cut issue arises, it is almost impossible to get united community action. Organizations are afraid to work with others for a common objective lest at some later date a cooperating group might be "labeled." A minimum of collective action in the field of civil rights has been preserved through the Allegheny County Council on Civil Rights, which includes more than forty non-Communist civic groups.

Surprisingly enough, the pervasive fear which casts a shadow over liberal activity has not prevented progress from being made in the field of race relations. Under the leadership of the Mayor's Civic Unity Council, increased employment and recreational opportunities have been made available to Negroes. The summer of 1948 saw riots at a city swimming pool when interracial swimming was attempted. A firm stand on the part of the city administration, plus intensive but quiet activity on the part of church groups and others, is opening public facilities to all comers on an equal basis, and we no longer anticipate serious trouble. A local F. E. P. C. ordinance may be passed this year.

In the field of political activity, suspicion and caution are the watchwords. Only in the most intimate groups are politically divergent ideas freely advanced. Public discussion is circumscribed by the fear that an inadvertent statement may result in a listing as a "subversive" by such local guardians of conformity as Americans Battling Communism or the Minute Women.

At the University of Pittsburgh recently, all campus political organizations were banned. Protests brought sufficient relaxation of the rule to permit establishment of Republican and Democratic clubs.

On the other hand, when the Minute Women attempted by a smear campaign to prevent Dr. George S. Counts from speaking at Carnegie Tech, Chancellor Warner spoke up in defense of academic freedom and Dr. Counts delivered an address in defense of democratic freedom of inquiry as opposed to totalitarian (including Communist) conformity.

Despite discouraging aspects, it seems possible that things are looking up a little for civil liberties in the Pittsburgh area. Liberal Democrats in local political offices have minimized rather than contributed to the hysteria of the times. Mayor David L. Lawrence has spoken out courageously in the Matson case and on other civil-rights issues. A number of office holders in the area are members of Americans for Democratic Action.

The most serious damage to civil liberties has come from the Congressional investigations, the federal loyalty program, and the state loyalty act. The last, not content with exacting an oath, provides in addition a procedure for dismissal of government employees on loyalty charges. These influences still predominate and will continue so long as international tension remains unabated.

May 21

Chicago

WHAT has the current witch hunt done to civil liberties in Chicago? In the first place, it has made it much more difficult to answer that question. The Communist Party is underground. The other parties of the left are but a whisper.

We find ourselves in a political nightmare. The times call for thoughtful and creative citizenship. The two major parties deal in invective instead of issues. The only other party visible is the Progressive Party, which seems to be a figment in the imaginations of a few diehard members.

The citizenry knows nothing of the federal loyalty program beyond the fact of its existence. How many it has affected in Illinois is unknown. In the early phases only government workers were under its jurisdiction. Now the program has moved out into private industry. Of the many cases that have come to our attention, all have been "cleared." "Cleared" after months of misery. "Cleared" after the neighbors have been interrogated by "agents."

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"Cleared" to about the same degree as the person who returns home from the mental hospital with a statement attesting his sanity. Nothing has appeared in the press to substantiate the claim that we are gaining "security."

The result is the frightening abandonment by the accused of participation in anything that might be considered to be, or likely to be, controversial. Those who know of the fate of their fellow-employees follow suit. In the end there is the silence of fear and compliance. What can we know of the ultimate results?

In the Chicago area particularly organizations are springing up which aim at providing the "Pasadena treatment" for the schools. The diatribes of Allen Zoll and Lucille Crain are circulating in quantity, along with local productions similar to How Red Is the Little Red School House? To date, there have been no overt restrictions of primary- and secondary-school teachers, but the cloud of accusation lowers. Colleges and universities are noticeably sensitive to charges of unorthodoxy.

The 1951 record of the numerous "anti-subversive" bills in the legislature is perhaps the most revealing index of the state of civil liberties in Illinois, and has implications of national significance. In January of 1951 we were told by those presumably in the know that there wasn't a chance of stopping passage of at least several of these bills. It was said that no politician would dare vote against them.

The American Civil Liberties Union developed the first state-wide, all-out campaign against this kind of legislation. Members of the legislature were sensitive to our problem but feared the political consequences of opposition. They were willing to vote against the bills if "a few substantial constituents" asked them to do so; we were able to obtain the requests.

Only one bill, a revised version of Maryland's Ober law, passed the legislature. The measure had a comfortable margin, but when Governor Stevenson vetoed it he was supported by about forty reputable organizations and seventeen of the nineteen newspapers in Illinois that had taken an editorial position on the legislation. Those who hoped the veto would injure the Governor were disgusted to learn that the Executive Mansion had more mail on this veto than on any other matter during the session; twenty-five letters favored the veto for every one that opposed it.

In spite of the serious interracial problems in Chicago, where the Negro population is growing at the rate of 20,000 a year, the record of late indicates progress. Certainly there is better organization of effort in the minority-rights field than ever before.

We have in varying degrees all the symptoms of the anti-Communist hysteria that the rest of the country knows. We have the rash of organizations and publications that spring up to flay public opinion with violent predictions of socialist doom—characterized by an appallingly short memory of the state of the nation in the thirties. We have our share of bellowing patriots who pronounce such people as Gypsy Rose Lee unfit for radio and television because they have been "cited" by the Un-American Activities Committee. We have not had much of the organized industry censorship typified by the Jean Muir case in New York.

May 27

Baltimore

MARYLAND'S contribution to the national witch hunt is the notorious Ober law, which was finally accepted by the state in a referendum held on November 7, 1950. The law has three prongs: it requires a loyalty oath of public employees; it requires a loyalty affidavit of candidates for public office; it provides fines and imprisonment for individuals convicted of acting with intent to alter the constitutional government by unlawful means, and for membership in or contributions to a domestic or foreign subversive organization.

To date no one has been accused or prosecuted under the third provision. The loyalty-oath requirement has resulted in the dismissal of five persons, four of whom are members of the Society of Friends and are as conscientiously opposed to force and violence as they are to loyalty oaths. The individuals are Dr. Miriam Brailey, former director of the bureau of tuberculosis of the city Health Department; Miss Doris Shamleffer, formerly a personnel examiner in the State Department of Employment and Registration; Miss

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Elizabeth Haas, formerly with the Enoch Pratt Library in Baltimore; Miss Vera Shank and Mrs. Helen Baker, who were teachers in the Baltimore public-school system. The loyalty and integrity of these women have not been questioned. They were released from their jobs only because they could not in conscience sign an oath which in itself impugns their integrity.

The second requirement, the affidavit of loyalty for candidates for public office, kept the names of two Progressive Party candidates off the ballot in 1950. Louis Shub and Miss Thelma Gerende, running for governor and member of the City Council, respectively, refused to submit the affidavit.

Marylanders are not convinced that the Ober law offers them sufficient protection from subversives. To make doubly sure, the legislature enacted this year a measure requiring the disbarment of any lawyer found to be a member of an organization which is branded subversive under the Ober law. The bill carried the indorsement of the Baltimore bar, which passed a resolution asking for its passage without a dissenting vote. After the meeting some of the lawyers confessed shamefacedly that the overwhelming shouts of "Aye" made it impossible for them to vote their own convictions.

The University of Maryland felt the force of anti-Communist feeling in August, 1950, when, at the request of Governor Lane, the administration canceled a scheduled debate between Philip Frankfeld, then chairman of the Communist Party in Maryland, and an Australian, Mr. S. C. Schwartz. The debate was on the subject Is Communism a Friend of America?

Maryland's best-known controversial personality is Professor Owen Lattimore of the Johns Hopkins University. In March, 1951, following his clearing by the Tydings subcommittee in the Senate, he was asked to speak to the United Nations Youth Club at City College, one of the Baltimore high schools. At the request of the American Legion, the City Council passed a resolution by a vote of thirteen to six requesting the Board of School Commissioners to cancel the speech. Because Professor Lattimore had never been "found guilty of disloyalty by any responsible agency" the School Commissioners refused to comply. Attendance at the lecture was voluntary, but about 2,000 students were present.

More recent hearings by Congressional committees, with Professor Lattimore as target, have increased the feeling against him. Some pressure has been brought on the Johns Hopkins Board of Trustees to dismiss him. The board has declared that it will not condemn him before his disloyalty has been established by a responsible group.

Six confessed Communists, including Philip Frankfeld, were recently convicted in Baltimore under the Smith act. The Maryland Civil Liberties Committee filed an *amicus curiae* brief with the trial court, and will file another on the appeal, questioning the law's power to inflict punishment for advocating or conspiring to advocate overthrow of the government.

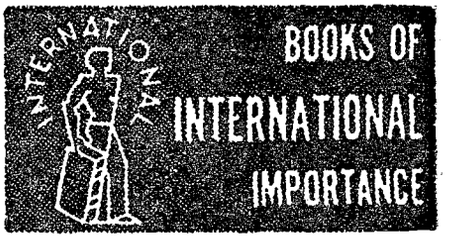
Picketing to enforce blacklisting has just appeared on the Baltimore scene. The following item was printed in the Baltimore *Sun* of May 20, 1952:

> The American Legion last night began picketing the Stanley Theater because José Ferrer, star of the current film "Anything Can Happen," is on the American Legion's blacklist.
>
> Daniel Burkhardt, State Adjutant of the Maryland Department of the Legion, said Mr. Ferrer is one of twenty-five actors or entertainers blacklisted by the Legion on grounds of "questioned loyalty. . . ."
>
> During a conference with Rodney Collier, manager of the theater, Mr. Burkhardt suggested that Mr. Collier buy the book "Red Channels."

May 21

Los Angeles

THE dangerous drift toward repression is nowhere more evident than in Southern California. It takes its line from the procedures of the House Un-American Activities Committee. Prostituting the purposes of legislative investigation, the committee has created and sustained a nation-wide hysteria, intensified in California by the Tenney committee's imitation of its worst practices. In the movie industry, particularly, the committee has been an efficient wrecker of morale and production as well as of constitutional principles. Its first major victims were the "Hollywood Ten," whom future generations may recognize as protectors of our Bill of



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Rights. More recently it has heightened tension by inducing "friendly witnesses" to brand as Communists friends and associates of long standing. A spokesman for the committee is reported to have boasted that when the twice postponed second meeting of the committee is held in Los Angeles there will be "the greatest parade of witnesses in the committee's history." To a long list of movie people on whom subpoenas were served have been added nearly fifty lawyers and doctors identified with liberal causes.

Forced to resign from the California Senate committee, through which he discredited the state, Jack B. Tenney is reported to have acted as consultant in drafting loyalty-oath legislation for the Los Angeles Board of Education, the County Board of Supervisors, and the City Council. The loyalty oath imposed by its regents on the University of California, and found unconstitutional by the Appellate Court, was the direct result of years of sniping at university teachers by the Tenney committee.

An attempt was also made to enact legislation requiring an "oath of renunciation" from the thousands of men and women, including doctors and lawyers, whose livelihood depends on a state license. The sudden awakening of professional groups blocked the scheme. However, the Levering act, requiring a test oath before a check can be issued in payment for services in any branch of government, was passed. Recently a mother was compelled to sign an oath on behalf of a three-year-old child who had posed for a junior-college art class for a total of four hours.

To the considerable army of government workers subjected to this cloud of suspicion must be added the much larger number of workers in industry. Being in defense production, employees of airplane plants and the many smaller factories which furnish parts have to undergo federal "loyalty" procedure. Private racketeers make a good living not only by keeping gullible business men "informed" on the Communist menace but by negotiating private contracts to "screen" employees. An American Legion post is supplying movie employers with its own private list of more than 300 employees whom the Legion thinks should be fired, although not one of them has been proved guilty of any offense against the government.

Civil liberties are being stifled in this atmosphere of repression. "Patriots" in government and industry are, in the words of President Truman, "chipping away at our basic freedoms just as insidiously and far more effectively than Communists have ever been able to do." Minority rights—political, racial, and economic—suffer increasingly; anti-Semitism finds fertile soil; Negro homes are bombed; expressions of concern for democratic brotherhood are denounced as communistic; social-welfare projects are labeled "creeping socialism." Even in the churches attempts are made to bar fully accredited ministers and lifelong lay Bible teachers because their names "appear in the Tenney reports."

Caution, silence, and subservience are getting to be a habit with the citizens of Southern California. June 2

Detroit

LAST year the principal attacks on civil liberties in this area were as follows:

1. The one-man grand jury recreated by the legislature denied counsel to witnesses inside the jury chamber, thus confirming the fears of the American Civil Liberties Union, which had urged Governor Williams to veto the measure on the ground that the Circuit Court judges could not be trusted to enforce civil-liberties safeguards.

2. An act was passed authorizing the Secret State Police to open the supposedly secret records of the State Bar Association for the purpose of disciplining allegedly subversive lawyers.

3. The so-called Trucks bill outlawing the Communist Party was applied by the Secretary of State to all "socialistic political parties." The ballot was thereby cleared of all minority parties.

4. An attack by the House Un-American Activities Committee on Local 600 of the United Automobile Workers succeeded in replacing its militant officials with persons more in harmony with the international administration.

5. A teacher in the public schools was suspended for refusal to answer questions of the committee as to her alleged Communist affiliations. June 5

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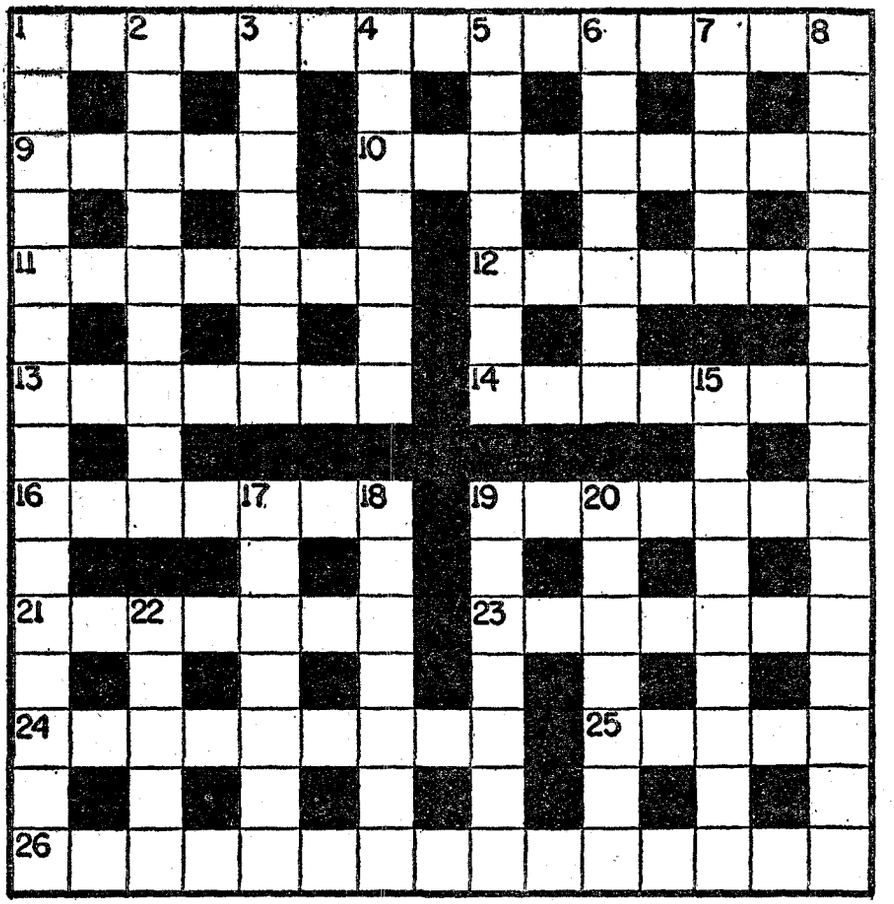

ACROSS

1 Sounds like the capacity of a list, but it means someone has to act "unselfishly"? (5, 2, 8)
9 One's opinion of postcards? (5)
10 The sort of herald that follows Tom into church? (9)
11 Gains strength from conventions, perhaps. (7)
12 Franklin kidded the English by referring to the grand leap of the whale up this. (7)
13 Hoped to return home to the animals after a time? (7)
14 This indicates you should get beat fast. (7)
16 See 19 across.
19 and 16. Your standing in it might determine your chances of getting into hot water! (5, 2, 3, 4)
21 Suggested a statement an oar could make. (7)
23 Rumbles like death, according to Shelley. (7)
24 General cook-and-bottle-washer? (9)
25 Does this girl measure about 45-1/12 inches? (5)
26 Several rooms for the opener of Brazil, for example? (10, 5)

DOWN

1 Is a tricky stop never very poor? (7-8)
2 Headquarters of the Bicycle Brigade? (Your parking difficulties might increase in proportion to it.) (9)
3 Shakespeare referred to this bear as rugged. (7)
4 Concentrated. (7)
5 "Bottomless love" would certainly not be descriptive of her temporary state. (7)
6 Is it singular for workman's clothes to go from one extreme to the other? (9)
7 Bellini's opera is little less than ordinary. (5)
8 With such a notary fee, cancel a meeting to agree upon voting procedure. (5, 10)
15 This patriot is rather vulgar at heart. (9)
17 Entrance her, but get excited if all this. (7)
18 This could be very pleasurable. (7)
19 Verbose remark. (7)
20 They might put the polish on your shoes. (7)
22 Is this sort of jury mean? (5)

• • • • •

SOLUTION TO PUZZLE No. 470

ACROSS:—1 FOLLOW-THROUGH; 9 RUMOR; 10 ANGELFISH; 11 ICEBOAT; 12 TROPICS; 13 DRINK; 14 DESPERATE; 16 NEGATIVES; 18 TUTTI; 19 REPEALS; 21 BACKLOG; 22 INTESTATE; 23 IMAGO; 24 IN THE MEANTIME.

DOWN:—1 FORBIDDEN FRUIT; 2 LUMBERING; 3 OARLOCK; 4 TOAST; 5 RIGHTISTS; 6 UNLOOSE; 7 HAITI; 8 WHISPERING HOPE; 14 DEVASTATE; 15 ANTALKALI; 17 TRANSIT; 18 TACTION; 20 PATTI; 21 BREVE.

Readers are invited to send for a free copy of Mr. Lewis's "ground rules." Address requests to Puzzle Dept., The Nation, 20 Vesey Street, New York 7, New York.

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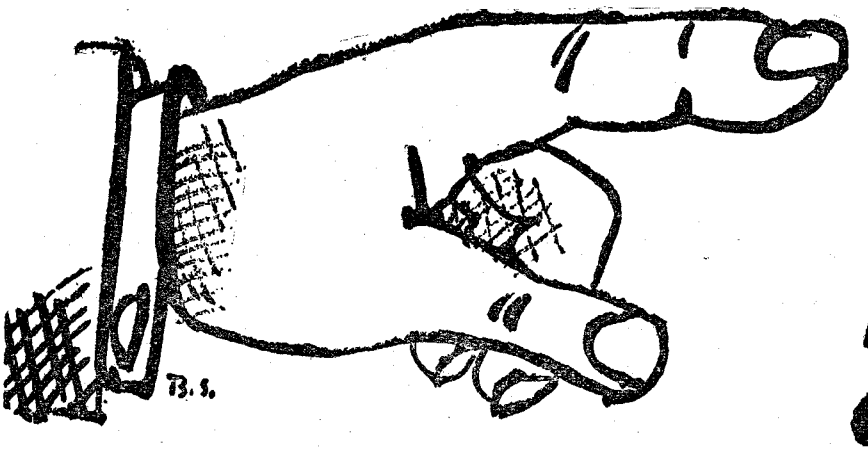

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If you belong to a group which is insisting on the American principle of individual freedom, the right to dissent, the right to assemble freely and to petition freely, the right to travel abroad and the right to engage in political activities—then you are loyal—loyal to the best interests of the American people.

If you shake your head and say, "What can I do about it?" you have already surrendered to America's worst enemy—authoritarianism! We still have the right to act and we must do so if we are to preserve democracy and liberty. Do something!

The Emergency Civil Liberties Committee was organized in 1951 by a group who felt that not enough was being done to expose the forces which are trying to take away your freedoms and ours. We feel that this is the essential fight for American democracy and American security. Write us for details of past and planned activities. If you share our views we invite your support.

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JUNE 28, 1952 Printed in the U. S. A. by STEINBERG PRESS, INC., Morgan & Johnson Aves., Brooklyn 6, N. Y. 178

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